

MONTANA LEGISLATIVE HISTORY

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Chapter 579 19 93

Bill H 685 S _____ Original bill & history ☒ C

H. Committee on Appropriations

Hearing Date(s) Mar 18 ☒ C

_____ C

_____ C

_____ C

Date Out Mar 19 ☒ C

S. Committee on Finance & Claims

Hearing Date(s) Apr 03 ☒ C

Apr 14 ☒ C

_____ C

_____ C

Did this bill originate in an interim committee? ☐ Yes ☐ No

Committee _____

Report _____

HB 683 INTRODUCED BY FISHER
 GENERALLY REVISE ASSESSMENT LAWS
 BY REQUEST OF HOUSE APPROPRIATIONS COMMITTEE

3/15	INTRODUCED		
3/15	REFERRED TO APPROPRIATIONS		
3/15	FIRST READING		
3/15	FISCAL NOTE REQUESTED		
3/18	HEARING		
3/19	FISCAL NOTE RECEIVED		
3/19	FISCAL NOTE PRINTED		
3/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/23	2ND READING DO PASS MOTION FAILED	41	58

HB 684 INTRODUCED BY MENAHAN
 ELIMINATE MENTAL DISABILITIES BOARD OF VISITORS
 BY REQUEST OF HOUSE APPROPRIATIONS COMMITTEE

3/16	INTRODUCED
3/16	REFERRED TO APPROPRIATIONS
3/16	FIRST READING
3/16	FISCAL NOTE REQUESTED
3/22	FISCAL NOTE RECEIVED
3/22	FISCAL NOTE PRINTED
3/26	MISSED TRANSMITTAL DEADLINE

HB 685 INTRODUCED BY GRADY
 GENERALLY REVISE LAWS CONCERNING DEPARTMENT OF
 CORRECTIONS AND HUMAN SERVICES

3/16	INTRODUCED		
3/16	REFERRED TO APPROPRIATIONS		
3/16	FIRST READING		
3/16	FISCAL NOTE REQUESTED		
3/17	HEARING		
3/19	COMMITTEE REPORT—BILL PASSED AS AMENDED		
3/22	FISCAL NOTE RECEIVED		
3/22	FISCAL NOTE PRINTED		
3/22	2ND READING PASSED	52	46
3/24	3RD READING PASSED	55	44
	TRANSMITTED TO SENATE		
3/26	FIRST READING		
3/26	REFERRED TO FINANCE & CLAIMS		
4/03	HEARING		
4/14	COMMITTEE REPORT—BILL CONCURRED AS AMENDED		
4/15	2ND READING CONCURRED	27	21
4/15	3RD READING CONCURRED	27	22
	RETURNED TO HOUSE WITH AMENDMENTS		
4/19	2ND READING AMENDMENTS NOT CONCURRED	48	52
4/19	RECONSIDERED PREVIOUS ACTION AND PLACED BACK ON 2ND READING	57	41
4/20	2ND READING AMENDMENTS CONCURRED	59	40
4/20	3RD READING AMENDMENTS CONCURRED	60	38
4/23	SIGNED BY SPEAKER		
4/23	SIGNED BY PRESIDENT		
4/24	TRANSMITTED TO GOVERNOR		
4/28	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 579		
	EFFECTIVE DATE: 04/28/93		

HOUSE BILL NO. 685

INTRODUCED BY GRADY

IN THE HOUSE

MARCH 16, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON APPROPRIATIONS.
	FIRST READING.
MARCH 19, 1993	COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED.
MARCH 22, 1993	PRINTING REPORT.
	SECOND READING, DO PASS.
MARCH 23, 1993	ENGROSSING REPORT.
MARCH 24, 1993	THIRD READING, PASSED. AYES, 55; NOES, 44.
MARCH 25, 1993	TRANSMITTED TO SENATE.

IN THE SENATE

MARCH 26, 1993	INTRODUCED AND REFERRED TO COMMITTEE ON FINANCE & CLAIMS.
	FIRST READING.
APRIL 14, 1993	COMMITTEE RECOMMEND BILL BE CONCURRED IN AS AMENDED. REPORT ADOPTED.
APRIL 15, 1993	SECOND READING, CONCURRED IN.
	THIRD READING, CONCURRED IN. AYES, 27; NOES, 22.
	RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 16, 1993	ON MOTION, CONSIDERATION PASSED FOR THE DAY.
APRIL 19, 1993	SECOND READING, AMENDMENTS NOT CONCURRED IN.

ON MOTION, PREVIOUS ACTION
RECONSIDERED AND RETURNED TO 2ND
READING ON 87TH LEGISLATIVE DAY.

APRIL 20, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 685
2 INTRODUCED BY Grady
3
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING
5 CORRECTIONS AND HUMAN SERVICES LAWS TO IMPLEMENT BUDGET
6 REDUCTIONS; ALLOWING THE DEPARTMENT OF CORRECTIONS AND HUMAN
7 SERVICES TO USE CIGARETTE TAX REVENUE FOR SPECIFIED PURPOSES
8 IN VETERANS' PROGRAMS; PROVIDING FOR THE GRANTING OF GOOD
9 TIME TO INMATES IN ORDER TO REGULATE INMATE NUMBERS;
10 REVISING THE TIME PERIOD IN WHICH THE BOARD OF PARDONS
11 CONSIDERS ELIGIBLE INMATES FOR PAROLE; REDUCING THE LEVEL OF
12 SUPERVISION OF PROBATIONERS AND PAROLEES WHEN THE CASELOAD
13 REACHES CERTAIN LEVELS; ALLOWING A CHARGE FOR BOARD, ROOM,
14 AND ANCILLARY SERVICES PROVIDED TO INCARCERATED PERSONS;
15 DISCONTINUING THE SWAN RIVER FOREST CAMP; AUTHORIZING THE
16 OPERATION OF THE WOMEN'S CORRECTIONAL CENTER IN A TEMPORARY
17 LOCATION; DISCONTINUING THE GALEN CAMPUS OF THE MONTANA
18 STATE HOSPITAL; REVISING THE LOCATION AND FUNCTIONS OF THE
19 CHEMICAL DEPENDENCY TREATMENT CENTER; DIRECTING THE
20 COORDINATION OF RESOURCES TO ENSURE DELIVERY OF SERVICES TO
21 CHILDREN WITH EMOTIONAL DISTURBANCES; AUTHORIZING MENTAL
22 HEALTH CENTERS TO REQUIRE FULL PAYMENT FOR SERVICES;
23 PROVIDING EXPENDITURE FLEXIBILITY; AMENDING SECTIONS
24 41-5-206, 46-23-202, 46-23-1011, 46-23-1021, 53-1-104,
25 53-1-202, 53-1-203, 53-21-202, 53-21-206, 53-21-601,

1 53-21-603, 53-30-101, AND 53-30-105, MCA; REPEALING SECTIONS
2 10-2-411, 10-2-412, 10-2-413, 10-2-414, 10-2-415, 10-2-416,
3 46-23-204, 50-17-104, 52-2-118, 52-5-104, 52-5-111, AND
4 53-21-602, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

6 STATEMENT OF INTENT

7 A statement of intent is required for this bill because
8 it authorizes the department of corrections and human
9 services to adopt rules concerning the granting of good time
10 to inmates when the population of an institution reaches
11 capacity and providing that individuals within the
12 corrections system pay for services. It is the intent of the
13 legislature that rules adopted by the department to grant
14 good time to inmates when the capacity of an institution is
15 exceeded be primarily based upon proximity to parole
16 eligibility or discharge but also take into consideration
17 factors such as behavior, attitude, and criminal history.

18 It is the intent of the legislature that rules be
19 adopted for the administration of the veterans' benefits
20 program.

21 The rules establishing a maximum Montana state hospital
22 population and procedures for avoiding exceeding the maximum
23 population must take into account the facilities and
24 personnel available at the hospital.
25

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

2 NEW SECTION. **Section 1. Use of cigarette tax --**
 3 **benefits program -- rulemaking.** The revenue allocated to the
 4 department of corrections and human services from revenue
 5 deposited under 16-11-119 must be used to support the
 6 operation and maintenance of the Montana veterans' homes
 7 program and the development and implementation of a benefits
 8 program for aging veterans who need in-home health or
 9 nursing care. The revenue may be used to pay costs of
 10 personal services, operations, equipment, and construction
 11 or remodeling projects. The department may adopt rules for
 12 the administration of the veterans' benefits program.

13 **Section 2.** Section 41-5-206, MCA, is amended to read:

14 "41-5-206. **Transfer to criminal court.** (1) After a
 15 petition has been filed alleging delinquency, the court may,
 16 upon motion of the county attorney, before hearing the
 17 petition on its merits, transfer the matter of prosecution
 18 to the district court if:

19 (a) (i) the youth charged was 12 years of age or more
 20 at the time of the conduct alleged to be unlawful and the
 21 unlawful act would constitute sexual intercourse without
 22 consent as defined in 45-5-503, deliberate homicide as
 23 defined in 45-5-102, mitigated deliberate homicide as
 24 defined in 45-5-103, or the attempt, as defined in 45-4-103,
 25 of either deliberate or mitigated deliberate homicide if the

1 act had been committed by an adult; or

2 (ii) the youth charged was 16 years of age or more at
 3 the time of the conduct alleged to be unlawful and the
 4 unlawful act is one or more of the following:

5 (A) negligent homicide as defined in 45-5-104;

6 (B) arson as defined in 45-6-103;

7 (C) aggravated or felony assault as defined in
 8 45-5-202;

9 (D) robbery as defined in 45-5-401;

10 (E) burglary or aggravated burglary as defined in
 11 45-6-204;

12 (F) aggravated kidnapping as defined in 45-5-303;

13 (G) possession of explosives as defined in 45-8-335;

14 (H) criminal sale of dangerous drugs as included in
 15 45-9-101;

16 (I) attempt, as defined in 45-4-103, of any of the acts
 17 enumerated in subsections (1)(a)(ii)(A) through
 18 (1)(a)(ii)(H);

19 (b) a hearing on whether the transfer should be made is
 20 held in conformity with the rules on a hearing on a petition
 21 alleging delinquency, except that the hearing will be
 22 conducted by the youth court without a jury;

23 (c) notice in writing of the time, place, and purpose
 24 of the hearing is given to the youth, ~~his~~ the youth's
 25 counsel, and ~~his~~ the youth's parents, guardian, or custodian

1 at least 10 days before the hearing; and

2 (d) the court finds upon the hearing of all relevant
3 evidence that there is probable cause to believe that:

4 (i) the youth committed the delinquent act alleged;

5 (ii) the seriousness of the offense and the protection
6 of the community require treatment of the youth beyond that
7 afforded by juvenile facilities; and

8 (iii) the alleged offense was committed in an
9 aggressive, violent, or premeditated manner.

10 (2) In transferring the matter of prosecution to the
11 district court, the court may also consider the following
12 factors:

13 (a) the sophistication and maturity of the youth,
14 determined by consideration of his the youth's home,
15 environmental situation, and emotional attitude and pattern
16 of living;

17 (b) the record and previous history of the youth,
18 including previous contacts with the youth court, law
19 enforcement agencies, youth courts in other jurisdictions,
20 prior periods of probation, and prior commitments to
21 juvenile institutions. However, lack of a prior juvenile
22 history with youth courts will not of itself be grounds for
23 denying the transfer.

24 (3) The court shall grant the motion to transfer if the
25 youth was 16 years old or older at the time of the conduct

1 alleged to be unlawful and the unlawful act would constitute
2 deliberate homicide as defined in 45-5-102, mitigated
3 deliberate homicide as defined in 45-5-103, or the attempt,
4 as defined in 45-4-103, of either deliberate or mitigated
5 deliberate homicide if the act had been committed by an
6 adult.

7 (4) Upon transfer to district court, the judge shall
8 make written findings of the reasons why the jurisdiction of
9 the youth court was waived and the case transferred to
10 district court.

11 (5) The transfer terminates the jurisdiction of the
12 youth court over the youth with respect to the acts alleged
13 in the petition. A youth may not be prosecuted in the
14 district court for a criminal offense originally subject to
15 the jurisdiction of the youth court unless the case has been
16 transferred as provided in this section.

17 (6) Upon order of the youth court transferring the case
18 to the district court, the county attorney shall file the
19 information against the youth without unreasonable delay.

20 (7) Any offense not enumerated in subsection (1) that
21 arises during the commission of a crime enumerated in
22 subsection (1) may be:

23 (a) tried in youth court;

24 (b) transferred to district court with an offense
25 enumerated in subsection (1), upon motion of the county

attorney and order of the youth court judge.

(8) If a youth is found guilty in district court of any of the offenses transferred by the youth court and is sentenced to the state prison, his the youth's commitment must be to the department of corrections and human services. The department shall confine the youth in whatever institution it considers proper, including a state youth correctional facility ~~under--the--procedures--of-52-5-111~~; however, no a youth under 16 years of age may not be confined in the state prison.

(9) A youth whose case is transferred to district court may not be detained or otherwise placed in a jail or other adult detention facility before final disposition of his the youth's case unless:

(a) alternative facilities do not provide adequate security; and

(b) the youth is kept in an area that provides physical, as well as sight and sound, separation from adults accused or convicted of criminal offenses."

Section 3. Section 46-23-202, MCA, is amended to read:

"46-23-202. Investigation of prisoner by board. (1) Within the 2 months prior to his a prisoner's official parole eligibility date or within the 2 months following the date a prisoner becomes eligible pursuant to 53-30-105(5), the board shall consider all pertinent information regarding

each prisoner, including the circumstances of his the offense, his the prisoner's previous social history and criminal record, his the prisoner's conduct, employment, and attitude in prison, and the reports of any physical and mental examinations which that have been made.

(2) Before ordering the parole of any prisoner, the board shall interview him the prisoner."

Section 4. Section 46-23-1011, MCA, is amended to read:

"46-23-1011. Supervision on probation. (1) The department shall supervise persons during their probation period in accord with the conditions set by a court.

(2) A copy of the conditions of probation ~~shall~~ must be signed by the probationer and given to him the probationer and his the probationer's probation and parole officer, who shall report on his the probationer's progress under rules of the court.

(3) The probation and parole officer shall regularly advise and consult with the probationer to encourage him the probationer to improve his the probationer's condition and conduct and inform him the probationer of the restoration of his rights on successful completion of his the sentence.

(4) The probation and parole officer may recommend and a court ~~may~~ modify any condition of probation or suspension of sentence at any time. Notice ~~shall~~ must be given to the probation and parole officer before any condition is

1 modified, and he--shall the officer must be given an
 2 opportunity to present his the officer's ideas or
 3 recommendations on any modification. A copy of a
 4 modification of conditions ~~shall~~ must be delivered to the
 5 probation and parole officer and the probationer.

6 (5) The probation and parole officer shall keep records
 7 as the department or the court may require.

8 (6) (a) Upon recommendation of the probation and parole
 9 officer, a court may conditionally discharge a probationer
 10 from supervision before expiration of ~~his~~ the probationer's
 11 sentence if the court determines that a conditional
 12 discharge from supervision is in the best interests of the
 13 probationer and society.

14 (b) ~~Nothing--in--subsection~~ Subsection (6)(a) ~~prohibits~~
 15 does not prohibit a court from revoking the order suspending
 16 execution or deferring imposition of sentence, as provided
 17 in 46-18-203, for a probationer who has been conditionally
 18 discharged from supervision.

19 (c) If the department certifies to the court that the
 20 workload of a district probation and parole office has
 21 exceeded the optimum workload for the district over the
 22 preceding 60 days, the court may not place an offender on
 23 probation under supervision by that district office unless
 24 it grants a conditional discharge to a probationer being
 25 supervised by that district office. The department may

1 recommend probationers to the court for conditional
 2 discharge. The court may accept or reject the
 3 recommendations of the department. The department shall
 4 determine the optimum workload for each district probation
 5 and parole office."

6 **Section 5.** Section 46-23-1021, MCA, is amended to read:

7 "46-23-1021. **Supervision on parole.** (1) The department
 8 shall retain custody of all persons placed on parole and
 9 shall supervise the persons during their parole period in
 10 accord with the conditions set by the board.

11 (2) The department shall assign personnel to assist
 12 persons eligible for parole in preparing a parole plan.
 13 Department personnel shall make a report of their efforts
 14 and findings to the board prior to its consideration of the
 15 case of the eligible person.

16 (3) A copy of the conditions of ~~his~~ parole ~~shall~~ must
 17 be signed by the parolee and given to ~~him~~ the parolee and to
 18 ~~his~~ the parolee's probation and parole officer, who shall
 19 report on ~~his~~ the parolee's progress under the rules of the
 20 board.

21 (4) The probation and parole officer shall regularly
 22 advise and consult with the parolee, assist ~~him~~ the parolee
 23 in adjusting to community life, and inform ~~him~~ the parolee
 24 of the restoration of ~~his~~ rights on successful completion of
 25 sentence.

(5) The probation and parole officer shall keep such records as the board or department may require. All records ~~shall~~ must be entered in the master file of the individual.

(6) (a) Upon recommendation of the probation and parole officer, the board may conditionally discharge a parolee from supervision before expiration of ~~his~~ the parolee's sentence if the board determines that a conditional discharge from supervision is in the best interests of the parolee and society.

(b) ~~Nothing-in-subsection~~ Subsection (6)(a) ~~prohibits~~ does not prohibit the board from revoking the parole, as provided in 46-23-1025, of a parolee who has been conditionally discharged from supervision.

(c) If the department certifies to the board that the workload of a district probation and parole office has exceeded the optimum workload for the district over the preceding 60 days, the board may not parole a prisoner to that district office unless it grants a conditional discharge to a parolee being supervised by that district office. The department may recommend parolees to the board for conditional discharge. The board may accept or reject the recommendations of the department. The department shall determine the optimum workload for each district probation and parole office."

Section 6. Section 53-1-104, MCA, is amended to read:

"53-1-104. Release of arsonist -- notification of department of justice. (1) Each of the following institutions or facilities having the charge or custody of a person convicted of arson or of a person acquitted of arson on the ground of mental disease or defect shall give written notification to the department of justice whenever ~~such--a~~ the person is admitted or released by it:

(a) Montana state hospital;

(b) state prison;

(c) Mountain View school;

(d) Pine Hills school; or

(e) ~~Swan-River-forest-camp;-or~~

~~††~~ any county or city detention facility.

(2) The notification ~~shall~~ must disclose:

(a) the name of the person;

(b) where the person is or will be located; and

(c) the type of fire the person was involved in."

Section 7. Section 53-1-202, MCA, is amended to read:

"53-1-202. Department of corrections and human services. (1) The following components are in the department of corrections and human services to carry out the purposes of the department:

(a) adult corrections services consisting of the following institutional components to incarcerate and rehabilitate felons pursuant to Title 46, chapter 18:

1 (i) Montana state prison;
 2 (ii) ~~Swan-River-forest-camp~~;
 3 ~~{iii}~~ the Montana women's correctional center; and
 4 ~~{iv}~~ (iii) appropriate community-based programs for the
 5 placement, supervision, and rehabilitation of adult felons
 6 who meet the criteria developed by the department for
 7 placement:
 8 (A) in prerelease centers;
 9 (B) under intensive supervision;
 10 (C) under parole or probation pursuant to Title 46,
 11 chapter 23, part 2; or
 12 (D) in other appropriate programs;
 13 (b) mental health services consisting of the following
 14 institutional components for care and treatment of the
 15 mentally ill pursuant to Title 53, chapter 21:
 16 (i) Montana state hospital;
 17 (ii) Montana center for the aged; and
 18 (iii) a community services component consisting of
 19 appropriate services for the care and treatment of the
 20 mentally ill pursuant to Title 53, chapter 21, part 2;
 21 (c) chemical dependency services consisting of
 22 appropriate detoxification, inpatient, intensive outpatient,
 23 outpatient, prevention, education, and other necessary
 24 chemical dependency services pursuant to Title 53, chapter
 25 24;

1 (d) institutional and residential components of the
 2 developmental disabilities system for those developmentally
 3 disabled persons who require that care according to Title
 4 53, chapter 20, consisting of:
 5 (i) the Montana developmental center; and
 6 (ii) Eastmont human services center; and
 7 (e) veterans' nursing homes for the nursing home and
 8 domiciliary care of honorably discharged veterans as
 9 provided by law, consisting of:
 10 (i) Montana veterans' home; and
 11 (ii) eastern Montana veterans' home at Glendive.
 12 (2) A state institution may not be moved, discontinued,
 13 or abandoned without prior consent of the legislature."
 14 **Section 8.** Section 53-1-203, MCA, is amended to read:
 15 "53-1-203. Powers and duties of department. The
 16 department shall:
 17 (1) adopt rules for the admission, custody, transfer,
 18 and release of persons in department programs except as
 19 otherwise provided by law; however, ~~no-such~~ the rules may
 20 not amend or alter the statutory powers and duties of the
 21 state board of pardons;
 22 (2) subject to the functions of the department of
 23 administration, lease or purchase lands for use by
 24 institutions and classify those lands to determine which ~~are~~
 25 ~~of-such-character-as-to~~ can be most profitably used for

1 agricultural purposes, taking into consideration the needs
2 of all institutions for the food products that can be grown
3 or produced on the lands and the relative value of
4 agricultural programs in the treatment or rehabilitation of
5 the persons confined in the institutions;

6 (3) contract with private nonprofit Montana
7 corporations to establish and maintain community based
8 prerelease centers for purposes of preparing inmates of the
9 Montana state prison who are approaching parole eligibility
10 or discharge for release into the community; the centers
11 shall provide a less restrictive environment than the prison
12 while maintaining adequate security; the centers shall be
13 operated in coordination with other department correctional
14 programs, including the supervised release program provided
15 for in Title 46, chapter 23, part 4. ~~Nothing-in-this~~ This
16 subsection ~~shall~~ does not affect the department's authority
17 to operate and maintain community based prerelease centers
18 in existence on July 14, 1982.

19 (4) utilize the staff and services of other state
20 agencies and units of the Montana university system, within
21 their respective statutory functions, to carry out its
22 functions under this title;

23 (5) propose programs to the legislature to meet the
24 projected long-range needs of institutions, including
25 programs and facilities for the diagnosis, treatment, care,

1 and aftercare of persons placed in institutions; and

2 (6) encourage the establishment of programs at the
3 local level for the prevention and rehabilitation of
4 disabilities as they relate to mental illness and chemical
5 dependency and encourage the establishment of programs at
6 the local and institutional level for the rehabilitation and
7 education of adult felony offenders."

8 NEW SECTION. **Section 9. Rates for board, room, and**
9 **ancillary services charged to inmates.** (1) The department
10 may establish and charge reasonable rates for board, room,
11 and ancillary services as described in 53-1-401 for persons
12 incarcerated in an institutional correctional facility.

13 (2) The department may prescribe rules that establish
14 criteria and a procedure for determining ability to pay. The
15 department may not make an assessment that would place an
16 undue financial burden on the person.

17 **Section 10.** Section 53-21-202, MCA, is amended to read:

18 **"53-21-202. Duties of department.** The department shall:

19 (1) take cognizance of matters affecting the mental
20 health of the citizens of the state;

21 (2) initiate mental health care and treatment,
22 prevention, and research as can best be accomplished by
23 ~~community-centered services. Such~~ The means shall must be
24 utilized to initiate and operate these services in
25 cooperation with local agencies as established under this

part.

(3) collect and disseminate information relating to mental health;

(4) prepare and maintain a comprehensive plan for the development of public mental health services in the state;

(5) receive from agencies of the United States and other state agencies, persons or groups of persons, associations, firms, or corporations grants of money, receipts from fees, gifts, supplies, materials, and contributions for the development of mental health services within the state;

(6) establish standards for mental health programs that receive funds from the department; and

(7) evaluate performance of programs that receive funds from the department in compliance with federal and state standards;

(8) coordinate state and community resources to ensure comprehensive delivery of services to children with emotional disturbances and submit at least a biennial report to the governor and the legislature concerning the activities and recommendations of the department and service providers; and

(9) appoint an advisory council to make recommendations to the department regarding services for emotionally disturbed children. The members of the advisory council

shall serve without compensation and must include but not be limited to a representative of:

(a) the department;

(b) the department of family services;

(c) the office of public instruction;

(d) a youth court;

(e) parents of emotionally disturbed children; and

(f) service provider groups."

Section 11. Section 53-21-206, MCA, is amended to read:

"53-21-206. Availability of services. (1) The Except as provided in subsection (2), the services of the department and of the incorporated regional mental health centers are available without discrimination on the basis of race, color, creed, religion, or ability to pay and shall must comply with Title VI of the Civil Rights Act of 1964.

(2) A regional mental health center may require the payment of its full fee if there is no departmental subsidy available for services provided to a client."

Section 12. Section 53-21-601, MCA, is amended to read:

"53-21-601. Location and primary function of hospital.

(1) The agency providing comprehensive mental health care services at ~~Galen and~~ Warm Springs, Montana, is the Montana state hospital and as its primary function provides:

~~(a) care and treatment of mentally ill persons;~~

~~(b) diagnosis; care; evaluation; treatment; referral;~~

1 and--rehabilitation--of--persons--afflicted--with---chemical
 2 dependency;
 3 {c}--care--and--treatment--of--institutional--residents--or
 4 clients--of--the--department's--community--and---residential
 5 programs--who--require--acute--hospital--care--or--nursing--care;
 6 {d}--treatment--of--tuberculosis--and--silicosis--(commonly
 7 called--miner's--consumption);
 8 {e}--detoxification--of--those--persons--who--seek--relief
 9 from--the--disabling--effects--of--alcohol--and--other--chemical
 10 substances;--and
 11 {f}--contingent--upon--space--and--funds;--the--treatment--of
 12 pulmonary--diseases--and--other--medical--or--organic--disorders.
 13 (2) The campus--facility--at--Warm--Springs;--Montana;
 14 Montana state hospital is the component designated as the a
 15 mental health facility, as defined in 53-21-102, of the
 16 department of corrections and human services for the care
 17 and treatment of mentally ill persons.
 18 (3) The designated campus facilities at Galen, Montana,
 19 are--the---components---designated---as---the---department's
 20 residential--treatment--facilities--for--those--persons--suffering
 21 from--chemical--dependency;
 22 {4}--The--campus--facility--at--Galen;--Montana;--licensed--to
 23 provide--acute--hospital--and--intermediate--nursing--care;--is--the
 24 facility--component--designated--for--the--care--and--treatment--of
 25 the--medical--and--organic--disorders--described--in--this--section;

1 The department may establish a maximum Montana state
 2 hospital patient population based upon available staff and
 3 facilities. When the patient population maximum is reached,
 4 the department may defer additional admissions until patient
 5 discharges make space available. The department may adopt
 6 rules to establish and manage a maximum patient population."

7 **Section 13.** Section 53-21-603, MCA, is amended to read:

8 "53-21-603. Alcoholic Chemical dependency treatment
 9 center. (1) There is an--alcoholic a Montana chemical
 10 dependency treatment center located--at--the--Montana--state
 11 hospital. The admittance--and--discharge--procedures--for
 12 alcoholics--are--the--same--as--for--ill--persons Montana chemical
 13 dependency treatment center is the approved public treatment
 14 facility as defined in 53-24-103.

15 (2) As used in this section:

16 {a}--"alcoholism"--means--a--chronic--illness--or--disorder--of
 17 behavior--characterized--by--repeated--drinking--of--alcoholic
 18 beverages--to--an--extent--which--endangers--the--drinker's--health;
 19 interpersonal--relations;--or--economic--functioning--or--to--an
 20 extent--which--endangers--the--public--health;--welfare;--or
 21 safety;

22 {b}--an--"alcoholic"--is--a--person--suffering--from--the
 23 illness--of--alcoholism;

24 {3} The alcoholic Montana chemical dependency treatment
 25 center shall provide care detoxification, evaluation,

1 treatment, referral, and rehabilitation to persons in
2 Montana who are referred for the treatment of ~~the illness of~~
3 alcoholism or ~~the complications thereof~~ other chemical
4 dependency."

5 **Section 14.** Section 53-30-101, MCA, is amended to read:

6 "53-30-101. Location and function of prison and women's
7 correctional center. (1) The institution at Deer Lodge is
8 the state prison and as its primary function provides
9 facilities for the custody, treatment, training, and
10 rehabilitation of adult male criminal offenders.

11 (2) The institution located in accordance with sections
12 1 through 7, Chapter 651, Laws of 1991, is the women's
13 correctional center and as its primary function provides
14 facilities for the custody, treatment, training, and
15 rehabilitation of adult female criminal offenders. The
16 department of corrections and human services may continue to
17 operate the women's correctional center in a temporary
18 location during the 1994-95 biennium."

19 **Section 15.** Section 53-30-105, MCA, is amended to read:

20 "53-30-105. Good time allowance. (1) The department of
21 corrections and human services shall adopt rules providing
22 for the granting of good time allowance for inmates employed
23 in any prison work or activity and to implement subsection
24 (5). The good time allowance shall operate as a credit on
25 his the inmate's sentence as imposed by the court,

1 conditioned upon the inmate's good behavior and compliance
2 with the rules made by the department or the warden. The
3 rules adopted by the department under this subsection may
4 not grant good time allowance to exceed:

5 (a) 10 days per month for inmates assigned to maximum,
6 close, and medium I security classifications;

7 (b) 13 days per month for those classified as medium II
8 and minimum security classifications;

9 (c) 15 days per month for inmates after having been
10 assigned as medium II or minimum security for an
11 uninterrupted period of 1 year;

12 (d) 13 days per month for those inmates enrolled in
13 school who successfully complete the course of study or who
14 while so enrolled are released from prison by discharge or
15 parole;

16 (e) 3 days per month for those inmates participating in
17 self-improvement activities designated by the department.

18 (2) In the event of an attempted escape by an inmate or
19 a violation of the rules prescribed by the department or
20 warden, the inmate may be punished by the forfeiture of part
21 or all good time allowances. The warden of the state prison
22 shall advise the department of any attempted escape or
23 violation of rules on the part of the inmate. Any punishment
24 by forfeiture of good time allowance must be approved by the
25 department.

(3) A person may not earn good time under this section while he the person is on probation. A person may earn good time while on parole at the rate of 30 days per month. If the department determines that a person has violated his the conditions of parole, it may, in its discretion, deduct good time credit accumulated under this subsection in an amount up to and including all credit accumulated on the date of the violation.

(4) The warden of the state prison may request that all or portions of any previously forfeited good time be restored as a result of subsequent good behavior. Any restoration of good time allowance must be approved by the department.

(5) If the population at the Montana state prison or the Montana women's correctional center exceeds the design capacity of the institution, the department may grant an inmate additional good time credits in an amount necessary to permit the inmate to become eligible for parole or to discharge the inmate's sentence. The award of good time under this subsection must be provided to inmates who are nearest to parole eligibility or discharge."

NEW SECTION. Section 16. Funds transfer and expenditure. Subject to 17-7-138, during fiscal years 1994 and 1995, the department of corrections and human services may expend funds in any category that were appropriated for

personal services or that were indicated in legislative intent as having been appropriated for personal services.

NEW SECTION. Section 17. Repealer. Sections 10-2-411, 10-2-412, 10-2-413, 10-2-414, 10-2-415, 10-2-416, 46-23-204, 50-17-104, 52-2-118, 52-5-104, 52-5-111, and 53-21-602, MCA, are repealed.

NEW SECTION. Section 18. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 10, chapter 2, part 4, and the provisions of Title 10, chapter 2, part 4, apply to [section 1].

(2) [Section 9] is intended to be codified as an integral part of Title 53, chapter 1, part 5, and the provisions of Title 53, chapter 1, part 5, apply to [section 9].

NEW SECTION. Section 19. Effective date. [This act] is effective on passage and approval.

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

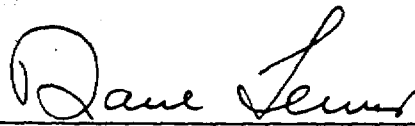
In compliance with a written request, there is hereby submitted a Fiscal Note for HB0685, as introduced.

DESCRIPTION OF PROPOSED LEGISLATION: An act generally revising corrections and human services laws to implement budget reductions; allowing the Department of Corrections and Human Services (DCHS) to use cigarette tax revenue for specified purposes in veterans' programs; providing for the granting of good time to inmates in order to regulate inmate numbers; revising the time period in which the Board of Pardons considers eligible inmates for parole; reducing the level of supervision of probationers and parolees when the caseload reaches certain levels; allowing a charge for board, room, and ancillary services provided to incarcerated persons; discontinuing the Swan River Forest Camp; authorizing the operation of the Women's Correctional Center in a temporary location; discontinuing the Galen campus of the Montana chemical dependency treatment center; directing the coordination of resources to ensure delivery of services to children with emotional disturbances; authorizing mental health centers to require full payment for services; providing expenditure flexibility; amending sections; repealing sections and providing an immediate effective date.

ASSUMPTIONS:

1. Current law reflects Executive Budget recommendation, including modification, for the 1995 biennium.
2. Proposed law reflects budget as approved by the House Appropriations Committee with the exception of the 5+ personal services reductions on non-direct care.
3. DCHS figures do not include any building costs or bond payment savings realized through delay of construction of the Eastern Montana Veterans' Home or the Women's Correctional Center.
4. The Eastern Montana Veterans Home will not be operated during the 1995 biennium.
5. The new Women's Correctional Center will not be operated during the 1995 biennium.
6. Inmate average daily population (ADP) caps are placed at 50 in the Women's Correctional Center and 850 at Montana State Prison.
7. Swan River Forest Camp is converted to a boot camp with an ADP of 40.
8. Galen campus is closed and \$100,000 per year is included to provide maintenance.

(Continued)

 3-22-93

DAVID LEWIS, BUDGET DIRECTOR DATE
Office of Budget and Program Planning

 3-22-93

ED GRADY, PRIMARY SPONSOR

DATE

Fiscal Note for HB0685, as introduced

FISCAL IMPACT:

Expenditures:

	FY '94			FY '95		
	Current Law	Proposed Law	Difference	Current Law	Proposed Law	Difference
FTE	2053.81	1,881.55	(172 26)	2,188.69	1,871.55	(317 14)
Personal Services	66,923,974	62,085,388	(4,838,586)	72,166,131	63,420,726	(8,745,405)
Operating Expenses	22,461,799	19,735,646	(2,726,153)	25,230,711	20,021,716	(5,208,995)
Equipment	1,175,801	872,580	(303,221)	1,243,389	820,548	(422,841)
Capital Outlay	90,000	90,000	0	70,000	70,000	0
Grants	9,611,679	9,611,679	0	9,611,679	9,611,679	0
Transfers	0	2,682,280	2,682,280	0	135,575	135,575
Debt Service	<u>149,692</u>	<u>151,995</u>	<u>2,303</u>	<u>142,949</u>	<u>145,252</u>	<u>2,303</u>
Total	100,412,945	95,229,568	(5,183,377)	108,464,859	94,225,496	(14,239,363)

Funding:

General Fund	86,387,023	77,531,011	(8,856,012)	92,397,472	78,672,126	(13,725,346)
State Special Revenue	5,147,042	6,498,708	1,351,666	5,899,347	6,650,561	751,214
Federal Special Revenue	4,759,513	7,367,316	2,607,803	5,496,075	4,835,222	(660,853)
Proprietary Revenue	<u>4,119,367</u>	<u>3,832,533</u>	<u>(286,834)</u>	<u>4,671,965</u>	<u>4,067,587</u>	<u>(604,378)</u>
Total	100,412,945	95,229,568	(5,183,377)	108,464,859	94,225,496	(14,239,363)

Net Savings General Fund

8,856,012

13,725,346

TECHNICAL NOTE:

The deletion of 52-5-111 would restrict the Department of Family Service's authority for controlling the placement of delinquents in the correctional facilities managed by the department.

immediate influx of money to the parks.

Keith Colbo, Montana Tourism Coalition, testified in support of HB 642.

Stuart Doggett, representing Montana Innkeepers, stated his support of HB 642. He said the bill recognizes the need and provides money for maintenance of these tourist and related treasures.

Matthew Cohn, Travel Promotion Division, Department of Commerce, said HB 642 studies an important infrastructure need while maintaining a reasonable funding level for Montana to compete on a national basis in attracting tourism.

Pat Graham, Director, Department of Fish, Wildlife and Parks, presented testimony in support of HB 642 (Exhibit 17).

Janet Ellis, Montana Audubon Legislative Fund, said HB 642 is an important bill to help put our deteriorating parks back together.

Opponents' Testimony:

None.

Questions From Committee Members and Responses:

Senator Harding questioned the current number of state parks being 42 when there in the past was 60 state parks.

Mr. Arnie Olson, Administrator, State Parks Division, said they have transferred some of their parks to other entities. A couple parks have been transferred to the Bureau of Land Management and local communities have taken over some of them. Some parks have been considered as one park with several sites.

Closing by Sponsor:

Rep. Raney closed. He stated that Section 4 is an amendment because of HB 591 dealing with an increase in the bed tax from four percent to five percent, and takes \$1 million a year from the four percent and sends it to local governments. If HB 642 and HB 591 pass, Section 4 of HB 642 would have to be amended.

HEARING ON HOUSE BILL 685

Opening Statement by Sponsor:

Rep. Ed Grady, House District 47, sponsor, stated HB 685 is necessary to implement the spending reductions applied in the Department of Corrections and Human Services contained in HB 2. The bill would change the focus from the prison to the community by downsizing the prison and authorizing the Department to grant

good time at the end of the sentence to render inmates eligible for parole or discharge. The good time grant allows the Department to control the prison population while working toward the cap of 850 in HB 2. He said the Swan River Forest Camp would be discontinued. The Women's Correctional Center would temporarily remain at the present location in Warm Springs. Mental health services at the Galen campus and Montana State Hospital would be discontinued.

Rep. Grady said he would concur with amendments that will be offered by the Department of Corrections.

Proponents' Testimony:

Rick Day, Director, Department of Corrections and Human Services, presented testimony in support of HB 685 (Exhibit 18). He concluded HB 685 would require a balance to allow the system to work and recognize financial limits.

Mr. Day presented two amendments to HB 685 (Exhibits 19, 20).

Pat Melby, representing Rivendell of Billings, Montana, presented an amendment to HB 685 (Exhibit 21). He said there were several conditions relative to the sale of the youth treatment center, and they are contained in the sale contract. With the legislature discontinuing use of psychiatric hospitals for youth and medicaid funding for inpatient psychiatric services in hospitals for youth, Rivendell seeks to have the conditions of Section 5, Chapter 14, Special Laws of June 1986 removed. He concluded if the relationship between the state and Rivendell is rendered void, they would ask that it be made void in its entirety and the conditions repealed and the encumbrances on the title removed.

Harley Warner, representing Montana Association of Churches, stated he opposes some provisions of HB 685, but supports the overall reduction in the prison population and emphasis on community based corrections. He stated his opposition to page 21, lines 16 through 19, the delay of the women's correctional center. He said they do not favor construction of a women's prison. They are talking about a facility for the rehabilitation of women. He said they also did not favor the reduction of the Department's budget. He concluded HB 685 will meet the goals of the Department of Corrections.

John Shontz, representing Mental Health Association of Montana, stated their support of HB 685 regarding coordinating of services. He said they are concerned about the cap for inpatient population at Montana State Hospital based on available staff. He stated concern about closing down inpatient psychiatric facilities and where these people would go for services. He also noted they have concern about appropriation language in a statutory piece of legislation. He concluded regarding the women's correctional facility, they want to see programs in place

that addresses mental health needs of incarcerated women.

Beth Baker, Department of Justice, stated their support of amendments 8 and 9 offered by the Department of Corrections (Exhibit 20). She concluded that she discussed this with the Board of Pardons, and they agreed that the section referred to in the amendments should not be repealed.

Willie Day, Eastern Montana Coalition, stated his support of HB 685 dealing with Eastern Montana Veterans' Nursing Home.

Mr. Day presented amendments to HB 685 (Exhibit 22).

Bob Olson, representing Montana Hospital Association, stated they would like to work with individuals preparing amendments to HB 685. He said they are concerned about the selection of Department of Corrections as the lead agency for seriously emotional and disturbed children. He said there is already HB 19 and HB 632 relative to this issue, as well as SB 285 regarding a health care reform plan. He indicated that language in HB 685 needs to be coordinated with efforts in the other bills. He concluded by stating his concern about capping number of admissions to Warm Springs facility.

Opponents' Testimony:

Sue Bartlett, representing Senate District 23, stated she opposes Section 12, page 21 of HB 685 and would like to see it amended (Exhibit 23). She concluded it is not good public policy for the legislature to have explicit authorization to continue a correctional center in a temporary location during the biennium.

Kate Cholewa, representing Montana Women's Lobby, stated their objection to the new language in Section 12. She felt the issue of the women's prison should be contained in HB 5.

Marty Onishuk, Montana Alliance of the Mentally Ill, said they do not want changes at Warm Springs until alternative services are in place in the community. She added her agreement that the mental health system must be restructured and her concern that decisions are based on availability of money rather than serving needs of people.

Informational Testimony:

Chair Jacobson stated because of the number of amendments presented to HB 685, she is appointing a subcommittee of Senators Franklin, Christiaens, Harding and Bianchi to work on the bill. She appointed Senator Franklin as chair of the subcommittee.

Questions From Committee Members and Responses:

Senator Lynch questioned Mr. Day relative to his proposed amendments (Exhibit 22).

Mr. Day said the difference in amendments he is proposing and those in HB 468 is requiring judges to require good cause in sentencing to the prison rather than the Department of Corrections. He wanted the judge to have the option relative to the sentence.

Mr. Lynch said he is concerned relative to the cap at Montana State Hospital.

Mr. Day said if there was need to have a cap, they could work with that cap, but it would be better to get the parties to set a cap based on looking at discharge planning and how the medical and psychiatric process has to interrelate to crisis centers. He concluded if a person needs treatment at the State Hospital, this cap would not prohibit that.

Senator Lynch said he is not comfortable with any cap. He stated his concern with the director of the Department of Corrections being allowed to get to 100 patients.

Mr. Day said if this legislation goes through, that cap and how the system interrelates would be described in the administrative rules, and it would take notice to change those. In reply to Senator Lynch's concern about the administrative rules, Mr. Day said the Department could work to put a number in the statute, however at the present time they are staffed for a population of about 220. If that went higher, they would need more money to operate.

Senator Franklin questioned the number of resources Mr. Day anticipates going into community services in the next biennium for mental health services relative to the cap.

Mr. Day said they did not request an increase over what was followed through during the downsizing of the institution.

Closing by Sponsor:

Rep. Grady closed. He noted HB 685 is one of the major pieces of legislation in the session in that it makes many changes. He concluded in making changes to HB 685, additional money would have to be added into the budget.

HEARING ON HOUSE BILL 563

Opening Statement by Sponsor:

Representative Swanson, House District 79, presenting HB 563 at the request of the Department of Health, would establish a special revenue account to use the fees coming in for subdivision review and authorization to disburse the fees for that function.

ROLL CALL

SENATE COMMITTEE FINANCE AND CLAIMS

DATE 4/3/93

NAME	PRESENT	ABSENT	EXCUSED
SENATOR JACOBSON	✓		
SENATOR FRANKLIN	✓		
SENATOR AKLESTAD	✓		
SENATOR BECK	✓		
SENATOR BIANCHI	✓		
SENATOR CHRISTIAENS	✓		
SENATOR DEVLIN	✓		
SENATOR FORRESTER	✓		
SENATOR FRITZ	✓		
SENATOR HARDING	✓		
SENATOR HOCKETT	✓		
SENATOR JERGESON	✓		
SENATOR KEATING	✓		
SENATOR LYNCH	✓		
SENATOR TOEWS	✓		
SENATOR SWYSGOOD	✓		
SENATOR TVEIT	✓		
SENATOR VAUGHN	✓		
SENATOR WATERMAN	✓		
SENATOR WEEDING	✓		

Rick Day
Testimony

HB685
Hearing April 2, 1993
Senate Finance & Claims

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 18

DATE 4/3/93

BILL NO. HB685

Intro Self to committee

Appreciate opportunity, in this capacity
to address this committee

The issues we will discuss are very real
impact all of us

#825 Bill designed to make statutory changes
necessary to support budget reductions and new directions
Few preliminary points-

The Budget Committee by Leg About 20 mil below executive recommendat

Many issues interrelated

Delicately balance approach that uses
progressive solutions, requires cooperat

Recognizes that the state cannot be all
things to all people but must prioritize
and provide a safety net protect public
& those in need of services

Is based in some hard lessons

including the closure of Galen acute care
nursing ^{services} ~~home~~ which has bought home the
need to carefully evaluate brick & mortar
institutional solutions before we stick
the shovel in the ground.

Although difficult, this legislation
and budget provides a consist community
based approach that can succeed.

In summary the bill- Provides method to
Cap the Parole & Probation system

2. based on available manpower- ensuring
adequate management of offenders

1. Directs 2 cent cig tax to veterans
homes and development of benefits
program in home health & nursing care

3. Eliminates Swan River Forest Camp

4. Authority charge inmates medical
& board and room

5. Responsible coordination Services
children severe emotional distb
along with other mental health respon

6. Provides authority cap State Hospital
population via admin rules designed
manage population

7. Directly establishes & defines CD program removes statutory location allows program relocate to ST. James East
8. Maintains WCC in temporary location 94-95
9. Provides authority ^{Renam w/in cgs} to add good time make inmate eligible parole or discharge to manage prison populations in event exceed design capacity
Proximity parole/discharge behavior, attitude, Crim History
10. Flexibility expending funds & coordination HB 2 & 46

CONSERVATIVELY THIS LEGISLATION EQUALS or supports about 7.8 Million Dollars reductions

Noted been developing with the depts. legisl package in mind.

Amendments committee consider***** ^{imp the bill}
unable get to council review prior impt to be available committee review

REQUEST COMMITTEES SUPPORT ALSO EMPHASIZE IF FAILS OR PORTIONS FAIL THE COMMITTEE PROVIDE THE NECESSARY FUNDING

Thank you
Available for question

[+ w/out need in it
Sh. increase no
more prison bene

Share few facts + (A)

Notworthy Quote (B)

American Bar Assoc.

National Council (C)
on Crime & Delinquency

*From Rick Day
Dept. of Corrections*

AMENDMENTS TO HB 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT SPENDING REDUCTIONS

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 19

DATE 4/3/93

BILL NO. HB 685

Proposed Amendment:

1. Title, page 1, line 8.
Following: "in veteran's programs;"
Insert: "PROVIDING A DEFENDANT WHO MAY BE SENTENCED TO A COUNTY JAIL OR PRISON SENTENCE MAY BE COMMITTED TO THE DEPARTMENT FOR PLACEMENT IN AN APPROPRIATE INSTITUTION OR PROGRAM;"
2. Title, page 1, line 24.
Following: "41-5-206"
Insert: "46-18-201,"
3. Page 7, line 20.
Following: line 19
Insert: Section 3. Section 46-18-201, MCA, is amended to read:

"46-18-201. Sentences that may be imposed. (1) Whenever a person has been found guilty of an offense upon a verdict or a plea of guilty, the court may:

(a) defer imposition of sentence, except as provided in 61-8-714 and 61-8-722 for sentences for driving under the influence of alcohol or drugs, for a period, except as otherwise provided, not exceeding 1 year for any misdemeanor or for a period not exceeding 3 years for any felony. The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the period of the deferred imposition. Reasonable restrictions or conditions may include:

- (i) jail base release;
- (ii) jail time not exceeding 180 days;
- (iii) conditions for probation;
- (iv) restitution;
- (v) payment of the costs of confinement;
- (vi) payment of a fine as provided in 46-18-231;
- (vii) payment of costs as provided in 46-18-232 and 46-18-233;
- (viii) payment of costs of court-appointed counsel as provided in 46-8-113;
- (ix) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;
- (x) community service;
- (xi) home arrest as provided in Title 46, chapter 18, part 10;

(xii) any other reasonable conditions considered necessary for rehabilitation or for the protection of society; or

(xiii) any combination of the above.

(b) suspend execution of sentence up to the maximum sentence allowed for each particular offense. The sentencing

judge may impose on the defendant any reasonable restrictions or conditions during the period of suspended sentence. Reasonable restrictions or conditions may include any of those listed in subsection (1)(a).

(c) impose a fine as provided by law for the offense;

(d) require payment of costs as provided in 46-18-232 or payment of costs of court-appointed counsel as provided in 46-8-113;

(e) impose a county jail or state prison sentence, as provided in Title 45, for the offense or commit the defendant to the department of corrections and human services for placement in an appropriate correctional institution, with or without a fine as provided by law for the offense or program;

(f) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;

(g) impose any combination of subsections (1)(b) through (1)(f).

(2) If a financial obligation is imposed as a condition under subsection (1)(a), sentence may be deferred for a period not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony, regardless of whether any other conditions are imposed.

(3) If any restrictions or conditions imposed under subsection (1)(a) or (1)(b) are violated, the court shall consider any elapsed time and either expressly allow part or all of it as a credit against the sentence or reject all or part as a credit and state its reasons in the order. Credit, however, must be allowed for jail or home arrest time already served.

(4) Except as provided in 45-9-202 and 46-18-222, the imposition or execution of the first 2 years of a sentence of imprisonment imposed under the following sections may not be deferred or suspended: 45-5-103, 45-5-202(3) relating to aggravated assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(4), and 45-9-103(2).

(5) Except as provided in 46-18-222, the imposition or execution of the first 10 years of a sentence of imprisonment imposed under 45-5-102 may not be deferred or suspended.

(6) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of a defendant who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(7) If the victim was less than 16 years old, the imposition or execution of the first 30 days of a sentence of imprisonment imposed under 45-5-503, 45-5-504, 45-5-505, or 45-5-507 may not be deferred or suspended. Section 46-18-222 does not apply to the first 30 days of the imprisonment.

(8) In imposing a sentence on a defendant convicted of a sexual offense as defined in 46-23-502, the court may not waive the registration requirement provided in 46-18-254, 46-18-255, and Title 46, chapter 23, part 5.

(9) A person convicted of a sexual offense, as defined in

46-23-502, and sentenced to imprisonment in the state prison shall enroll in the educational phase of the prison's sexual offender program.

(10) In sentencing a nonviolent felony offender, the court shall first consider alternatives to imprisonment of the offender in the state prison, including placement of the offender in a community corrections facility or program. In considering alternatives to imprisonment, the court shall examine the sentencing criteria contained in 46-18-225. If the offender is subsequently sentenced to the state prison or a women's correctional facility, the court shall state its reasons why alternatives to imprisonment were not selected, based on the criteria contained in 46-18-225."

Renumber: subsequent sections

EXHIBIT #19
DATE 4-3-93
FILE 48-685

*From Dept of
Corrections*

AMENDMENTS TO HB 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT SPENDING REDUCTIONS

Proposed Amendment:

1. Title, page 1, line 24.
Following: "46-23-1021,"
Insert: "52-5-111"
2. Title, page 2, line 3.
Following: "52-5-104,"
Strike: "52-5-111"
3. Page 7, line 8.
Following: ~~"52-5-111"~~
Insert: "UNDER THE PROCEDURES OF 52-5-111"
4. Page 11.
Following line 24
Insert: Section 6. Section 52-5-111 is amended to read:

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 20

DATE 4/3/93

BILL NO. HB 685

"52-5-111. Commutation of sentence to state prison and transfer of prisoner to youth correctional facility ~~or Swan River forest camp.~~ (1) Upon the application of a person under 19 years of age who has been sentenced to the state prison or upon the application of ~~his~~ the youth's parents or guardian, the governor may, after consulting with the department of corrections and human services and the department of family services and with the approval of the board of pardons, commute the sentence by committing such person who may benefit from programs offered at a youth correctional facility to the department of family services until ~~he~~ the youth is 19 years of age or until sooner placed or discharged.

(2) If such person's behavior after being committed to the department of family services indicates that ~~he~~ the youth is not a proper person to reside at one of the youth correctional facilities, the governor, after consulting with the department of corrections and human services and the department of family services and with the approval of the board of pardons, may revoke the commutation and return ~~him~~ the youth to the state prison to serve out ~~his~~ the youth's unexpired term, and the time spent by ~~him~~ the youth at one of the youth correctional facilities or while a refugee from one of the youth correctional facilities shall not be considered as a part of ~~his~~ the youth's original sentence.

(3) Upon recommendation of the warden and with the approval of the department of corrections and human services and the department of family services, a person under 19 years of age who has been sentenced to the state prison and can benefit from programs offered at a youth correctional facility may be transferred to any youth correctional facility under the jurisdiction and control of the department of family services.

~~(4) Upon recommendation of the warden and approval of a person sentenced to the state prison or application of a person sentenced to the state prison and approval of the warden and with the approval of the department of corrections and human services, such person sentenced to the state prison who is 25 years of age or younger may be transferred to the Swan River forest camp. Prior to departmental approval of the transfer, the person must undergo an evaluation by the department to determine his suitability for transfer to the camp. The results of the evaluation must include a finding that a minimum security facility is an appropriate placement for such person or the transfer shall be denied. If the person is transferred, he shall be under the supervision and control of the facility to which he is transferred.~~

~~(5)~~ (4) If such person's behavior after transfer to a youth correctional facility ~~or the Swan River forest camp~~ indicates ~~he~~ the youth might be released on parole or ~~his~~ the youth's sentence be commuted and he be discharged from custody, the superintendent of such facility, with the approval of the department of corrections and human services and the

department of family services ~~in the case of a youth correctional facility or with the approval of the department of corrections and human services in the case of the Swan River forest camp,~~ may make an appropriate recommendation to the board of pardons and the governor, who may in their discretion parole such person or commute ~~his~~ the youth's sentence.

~~(6)~~ (5) If such person's behavior after transfer to a youth correctional facility ~~or the Swan River forest camp~~ indicates ~~he~~ the youth is not a proper person to reside in such facility, upon recommendation of the superintendent and with the approval of the department of corrections and human services and the department of family services ~~in the case of a youth correctional facility or with the approval of the department of corrections and human services in the case of the Swan River forest camp,~~ such person ~~the youth~~ shall be returned to the state prison to serve out his or her unexpired term."

Renumber: subsequent sections

5. Page 24, line 6.
Following: "52-5-104,"
Strike: "52-5-111"
6. Page 2, line 24.
Following: "hospital"
Insert: ", public and individual safety, discharge planning and available community resources. The department is directed to involve consumers, family members of consumers, mental health advocates, mental health providers, law enforcement and other government officials in the development of the administrative rules authorized by this section."
7. Page 20, line 3.
Following: "facilities"
Insert: ", public and individual safety, discharge planning and available community resources."
8. Page 2, line 3.
Strike: "46-23-204,"
9. Page 24, line 5.
Following: "~~10-2-416,~~"
Strike: "46-23-204,"

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 21

DATE 4/3/93

Amendments to House Bill No. ~~8116~~ HB 685
Third Reading Copy

Prepared by Pat Melby for Rivendell
April 3, 1993

1. Title, line 23.

Following: ";

Insert: "ELIMINATING THE CONDITIONS ATTACHED TO THE SALE OF THE MONTANA YOUTH TREATMENT CENTER;"

2. Title, page 2, line 4.

Following: "MCA"

Insert: ", AND SECTION 5, CHAPTER 14, SPECIAL LAWS OF JUNE, 1986"

3. Page 24, line 4.

Following: line 3.

Insert: "New Section. Section 15. Elimination of conditions attached to sale of Montana youth treatment center. The board of land commissioners shall conform the sale contract of the Montana youth treatment center and remove any encumbrances on the title of the facility to reflect the elimination of the conditions contained in section 5, chapter 14, special laws of June, 1986, attached to the sale of the Montana youth treatment center."

4. Renumber: subsequent sections.

5. Page 24, line 6.

Following: "MCA"

Insert: ", and section 5, chapter 14, special laws of June, 1986"

*Willie Day
offered*

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 22

DATE 4/3/93

BILL NO. HB 685

AMENDMENTS TO HB 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT SPENDING REDUCTIONS

Proposed Amendment:

1. Title, page 1, line 23.
Following: "SECTIONS"
Insert: "10-2-416,"
2. Page 1, line 25.
Following: "53-1-202,"
Insert: "53-1-402,"
4. Page 3.
Following: line 12.
Insert: Section 2. Section 10-2-416, MCA, is amended to read:

"10-2-416. Pledge to continue operation and maintenance.

Pursuant to 38 U.S.C. 641 and 5035(a)(6), the state shall appropriate funds either from the general fund or funds generated by 16-11-119 to the department of corrections and human services financial support necessary to provide for continued operation and maintenance of the project upon completion. The department of corrections and human services may contract with a private vendor to provide for the operation of the eastern Montana veterans' home and may charge the contract vendor a rental fee for the maintenance and upkeep of the facility."

5. Page 14.
Following: line 13.
Insert: Section 8. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. The department shall assess and collect per diem and ancillary charges for care of residents in the following institutions:

- (1) Montana state hospital;
- (2) Montana developmental center;
- (3) Montana veterans' home;
- (4) eastern Montana veterans' home;
- (5) Montana center for the aged;
- (6) Eastmont human services center.

This section shall not apply to the eastern Montana veterans' home if the department contracts with a private vendor to operate the facility as specified in 10-2-416.

Renumber: subsequent sections

Amendments to House Bill No. 685
Third Reading Copy

Requested by Senator Bartlett
For the Committee on Finance and Claims

Prepared by Greg Petesch
April 3, 1993

SENATE FINANCE AND CLAIMS
EXHIBIT NO. 23
DATE 4/3/93
BILL NO. HB 685

1. Page 21, line 12.

Strike: "The"

Insert: "After construction, the"

2. Page 21, lines 16 through 19.

Following: "." on line 16

Strike: remainder of line 16 through "." on line 19

MINUTES

MONTANA SENATE 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON FINANCE & CLAIMS

Call to Order: By Senator Judy Jacobson, Chair, on April 14, 1993, at 10:15 a.m., Room 108.

ROLL CALL

Members Present:

Sen. Judy Jacobson, Chair (D)
Sen. Eve Franklin, Vice Chair (D)
Sen. Gary Aklestad (R)
Sen. Tom Beck (R)
Sen. Don Bianchi (D)
Sen. Chris Christiaens (D)
Sen. Gerry Devlin (R)
Sen. Gary Forrester (D)
Sen. Harry Fritz (D)
Sen. Ethel Harding (R)
Sen. Bob Hockett (D)
Sen. Greg Jergeson (D)
Sen. Tom Keating (R)
Sen. J.D. Lynch (D)
Sen. Chuck Swysgood (R)
Sen. Daryl Toews (R)
Sen. Larry Tveit (R)
Sen. Eleanor Vaughn (D)
Sen. Mignon Waterman (D)
Sen. Cecil Weeding (D)

Members Excused: None

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Lynn Staley, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: None
Executive Action: HB 685, HB 5, HB 46

EXECUTIVE ACTION ON HOUSE BILL 685

Discussion: Senator Franklin discussed the packet of amendments

that the Finance and Claims subcommittee dealt with. (Exhibit 1)

Senator Lynch said regarding the third amendment in the packet dealing with imposing of sentences and placement, that proposal was killed in the Senate, and he did not think it should be brought up again.

Rick Day, Director of Department of Corrections, said the section recommended to be put back in HB 685 barely resembles the original proposal considered by the Senate. This new provision would allow at the judge's discretion to sentence to the Department of Corrections for placement in a program. It does not require the judge to do that or limit their authority to do it. It has one minor change in law, and that is to add that alternative which would help in attempting to divert inmates from the system, but the discretion is left in the judge's hands. The majority of the concern was over the judge's authority which required them to show good cause before they sentenced to the prison. This merely allows them a different option.

Senator Lynch said he would like that amendment separated from the other amendments in the packet.

Senator Jacobson said all amendments would be acted on separately, and votes will be taken on each amendment.

Motion: Senator Weeding moved amendment 1 (hb068537.a14) of Exhibit 1.

Discussion: Senator Franklin said the subcommittee recommended amendment 1, removing the veterans' benefit program.

Senator Jacobson said there is still reference to it in HB 46 which will be dealt with, but it is taking it out of HB 685.

Senator Swysgood asked what it has to do with releasing prisoners.

Senator Lynch said it is Rep. Grady's attempt to include all concerns of the subcommittee on problems that Department of Corrections had. It includes prisons, veterans' homes, Montana State Hospital.

Vote: Motion CARRIED unanimously.

Motion: Senator Weeding moved amendment 2 (hb068538.a14), Exhibit 1.

Discussion: Senator Devlin questioned what section 16-11-111 refers to.

Senator Jacobson said it is the two cents cigarette tax.

Senator Swysgood questioned if regardless of what later happens

as it relates to the facility, if this amendment is inserted, there is no private operation of that facility; it becomes the obligation of the state to operate and maintain.

Senator Jacobson said it is permissive language allowing the Department to contract with a private vendor. If it is not done that way, we will have to do it ourselves.

Senator Keating asked if HB 685 dealt just with the cigarette tax money or does it have other appropriations.

Senator Jacobson said there are no appropriations in the bill. It is enabling language for many things that went on in long range building and the Department of Corrections.

Vote: Motion CARRIED with Senators Swysgood and Toews opposed.

Motion: Senator Christiaens moved amendment 3 (hb068541.a14), Exhibit 1.

Discussion: Senator Lynch stated his opposition to the amendment in that there will not be uniformity in the sentencing by the judges; the middle of the road concept does not make any sense.

Senator Christiaens said the amendment allows the Department of Corrections to put people in proper places for the treatment they need.

When questioned by Senator Swysgood regarding community placement facilities, Mr. Day said this will allow a judge an additional sentencing option. It does not require them to use it. It provides his department a means to work with judges and the criminal justice community to divert people from the prison.

Senator Jacobson asked if the judge chooses to sentence them to the Department, are they then evaluated somewhere else.

Mr. Day said the majority of the process would be done with the judge up front. There would be an evaluation and the judge would sentence them to the department, and they would place them. It is their desire to work with judges and probation and parole.

Senator Bianchi questioned if judges in the state had been conferred with on this program.

Mr. Day said he does not advocate that every judge in the state is supportive, but it has been discussed with the judges.

Vote: Motion to amendment 3, Exhibit 1 CARRIED with Senators Lynch, Toews, Swysgood, Jacobson, Beck opposed.

Motion: Senator Keating moved amendment 4 (hb068542.a14), Exhibit 1.

Discussion: Senator Jacobson said this includes that we are not repealing the hearings for the Board of Pardons.

Senator Beck questioned the necessity of getting rid of the Swan River Forest Camp.

Senator Jacobson said this amendment is simply wording. There was a bill that did that earlier, and this will correct the language.

Senator Weeding questioned if the new boot camp would be for prisoners under 19 years of age.

Mr. Day said this amendment is technical in nature. Through the process in this legislative session, Swan River has been changed to a boot camp. The rest of the legislation deletes Swan River out of their institutional capacity. This corrects the repealer in the original bill; two sections of law were repealed.

Vote: Motion on amendment 4 CARRIED unanimously.

Discussion: Senator Jacobson said the next amendment deals with the cap on Montana State Hospital. (amendment 5 (hb068539.a14), Exhibit 1)

Motion: Senator Christiaens said he had a substitute amendment to offer regarding this. He moved the new amendment (Exhibit 2), instead of amendment hb068539.a14, and asked Mr. Day to comment relative to this.

Discussion: Mr. Day said the new amendment (Exhibit 2) would correct the intent statement and the hospital cap language. It takes out the cap and puts in replacement language that directs the Department to adopt rules regarding the hospital population. It leaves in provisions requiring the Department to bring together the groups working in this to develop administrative rules that would coordinate admissions and discharge process to the system.

Senator Lynch asked if anyone talked to the psychiatrist at the Hospital regarding this amendment.

Mr. Day said the State Hospital staff was contacted. As far as level of discussion with the rest of the staff, that was left up to her.

Mr. Lynch said he preferred the previous amendment with regard to capping.

Mr. Day said he does not believe they have the authority to cap the population. They have authority to manage the population. The legislature would eliminate the cap language.

Senator Keating questioned if there is other language in statutes

directing the Department to provide active care for anyone in need.

Mr. Day said he knows the Department is responsible for mental health services in the state; the exact language of statute, he is not aware of.

Senator Keating questioned if there was other language in the statutes compelling the Department to comply with the language being inserted in this amendment.

Mr. Day said the mission of the State Hospital is defined and a recent bill went through that clarified that the department and State Hospital are there to provide services for the seriously mentally ill. He said this language is not duplicated in statute, and that is why it is important to them.

Senator Franklin said it is good language that conceptualizes what the State Hospital should be doing.

Vote: Amendment motion by Senator Christiaens (Exhibit 2)
CARRIED unanimously.

Discussion: Senator Jacobson said the next amendment in the packet (amendment 6, Exhibit 1) was recommended do not pass by the subcommittee.

Senator Jacobson asked if there was any further discussion. Being none, the amendment (amendment 6, Exhibit 1) did not pass the committee.

Discussion: Senator Jacobson asked Greg Petesch, Legislative Council to clarify the next amendment (Amendment 7, Exhibit 1)

Mr. Petesch said this amendment would strike most of the conditions that were attached by law to the sale of the youth treatment center. The sale was conditional upon an agreement being reached between the state and the purchaser that contained all of the language that is stricken in the amendment. Legislation has passed that will no longer require youth to be sent to the center under the medicaid program. The Rivendell people felt it was important that session laws reflect that we no longer will do those things. Whether or not this language is stricken, there is a contract that we cannot impair. This will retain the state be allowed to repurchase the center and directs the land board to do whatever it can to conform the contract to this new condition and remove any encumbrance on title of the facility that the land board retain by former language.

Senator Waterman questioned what would happen if the amendment is not adopted.

Mr. Petesch said that is a concern.

When questioned by Senator Waterman if we have first option of purchase if this amendment is passed, Mr. Petesch said yes.

Senator Waterman said she is concerned this allows for coming in for a residential facility.

Senator Jacobson said regarding selling the facility, they can sell the facility and if they sell the facility, we have the first right of refusal.

Mr. Petesch said that was correct, other than the contract still exists that contains the conditions that we are directing through language that the board of land commissioners attempt to conform that contract to these new stricken provisions.

When questioned by Senator Keating if the contract can be amended by agreement of both parties, Mr. Petesch said that was correct.

Senator Keating asked for someone to comment on the repurchase option.

Mr. Bob Olsen, Montana Hospital Association, said the last conversation they had with Rivendell is that they did not support the idea of the state maintaining the first right of repurchase. He said they would like to have all encumbrances on the title to the facility stricken from the statute.

Senator Keating questioned why we would want to keep the option to repurchase.

Mr. Petesch said the administration and the department felt if the facility was going to be sold that the state would like to retain that option, that there may be future uses for that facility. The state would have to pay appraised value for the facility.

Senator Weeding asked if there is a direction that the state will repurchase it or is it freeing Rivendell from its obligations that we do not direct business to them. He questioned if Rivendell is going to sell it and convert it to some other use.

Senator Jacobson said we do not know if they are going to sell it. If they were to sell it, the state would like to retain that and clear the title.

Senator Waterman said they have applied to become residential facilities. She questioned if the amendment is not passed that there could be a legal challenge from Rivendell.

Mr. Petesch said there is a concern there because there is a condition they have to accept for inpatient treatment those people referred. He said there is a potential for litigation; the language is not perfectly clear that they would prevail on it.

Motion/Vote: Senator Waterman moved amendment 7 (hb068536.a14), Exhibit 1. Motion CARRIED unanimously.

Motion: Senator Christiaens moved amendment 8 (hb068543.a14), Exhibit 1.

Senator Christiaens said this gives good time credits for the discharge of a sentence that may not exceed 180 days.

Senator Beck questioned how many years this would give an inmate on good time.

Mr. Day said this is designed to simplify and clearly limit the process. The maximum the department could do is shorten the time by six months or 180 days by this amendment. The amendment relates to good time credit for discharge.

Senator Aklestad questioned how much good time they can build up now.

Mickey Gamble, Department of Corrections, said they can earn the maximum of 29 days per month in reducing the sentence, so it can be almost cut in half in the lowest level of security, involved in all the programs and doing what they are supposed to be doing. Under HB 685 in order to maintain a cap, they can grant no more than 180 days extra good time. It now puts that limit on.

Senator Aklestad questioned how this would work into the total program of people getting out sooner.

Mr. Gamble said the most the department can give anybody is six months, and it would be only for discharge. In reality they probably will not give this much. Previously it was open, and this would put a limit on it. This would be the last option the department would use in order to maintain a cap. The first option would be to divert as many as possible from coming into the system. They would place them in more restrictive programs that would allow them to remain in other types of settings. Anytime a person is doing a sentence of five years or less, they are eligible for placement in a pre-release center. There is another option of early parole of already approved inmates. Under the good time, they would be able to award those people the good time necessary for parole. There is also granting of extra good time for placement of suitable inmates in pre-release centers. There is granting of extra good time for discharge of inmates nearest to their discharge.

Senator Jacobson questioned that this would put a cap of six months on that, and Mr. Gamble said that was correct.

Senator Beck asked if they can use the 180 days to accelerate them to be eligible to go to the pre-release centers.

Mr. Gamble said that was correct.

Senator Keating questioned if any of the early release people are sent out of state to programs.

Mr. Gamble said they have not, but they could.

Motion/Vote: Senator Christiaens moved that HOUSE BILL 685 AS AMENDED BE CONCURRED IN. Motion CARRIED with Senators Swysgood, Beck, Lynch, Jacobson, Toews, Forrester, Tveit opposed.

EXECUTIVE ACTION ON HOUSE BILL 5

Motion: Senator Jergeson moved to amend HB 5 (Exhibit 3).

Senator Aklestad made a substitute motion to amend HB 5 (Exhibit 4) which would remove the delay for the construction of the Eastern Montana Veterans' Home in Glendive.

Senator Aklestad said the Veterans' Home should not be tied in with the other buildings being considered. He hoped the other buildings would stand on their own merit when they come up. He said the funding relative to the Veterans' Home is completely different than the funding for the other buildings.

Senator Jacobson said there are many that feel as she does that the state should either make the commitment to build the buildings we approved two years ago or we should not. She added to imply that we have no obligation for maintenance to the Veterans' Home is not correct. We are using taxpayer's money for maintenance of the buildings whether it is cigarette taxes or whatever. She concluded that it is wrong for us to say it is all right to build one building but not the others.

Senator Aklestad closed on his substitute motion, saying the Veterans' Home should not be in the package with the other buildings but should be voted on its own merits.

Vote: Senator Aklestad's substitute motion (Exhibit 4) FAILED on a roll call vote.

Vote: Senator Jergeson's amendment motion (Exhibit 3) CARRIED on a roll call vote.

Motion: Senator Jergeson moved to amend HB 5 (Exhibit 5).

Senator Jergeson said this amendment would change the delay of the Women's Correction Center from two years to one year. It also permits the issuance of bonds in fiscal 1995.

Motion: Senator Waterman moved to amend Senator Jergeson's motion by striking the word "may" on page 16 and insert "shall", which would read "The department of administration and the board of examiners shall issue the bonds for the women's correctional

SENATE STANDING COMMITTEE REPORT

Page 1 of 9
April 14, 1993

MR. PRESIDENT:

We, your committee on Finance and Claims having had under consideration House Bill No. 685 (third reading copy -- blue), respectfully report that House Bill No. 685 be amended as follows and as so amended be concurred in.

Signed: Judy H. Jacobson
Senator Judy H. Jacobson, Chair

That such amendments read:

1. Title, page 1, lines 7 and 8.

Strike: "SPECIFIED" on line 7 through "PROGRAMS" on line 8

Insert: "VETERANS' NURSING HOMES"

2. Title, page 1, line 8.

Following: "PROGRAMS;"

Insert: "PROVIDING THAT A DEFENDANT WHO IS SENTENCED TO A COUNTY JAIL OR PRISON MAY BE COMMITTED TO THE DEPARTMENT FOR PLACEMENT IN AN APPROPRIATE INSTITUTION OR PROGRAM;"

3. Title, page 1, line 23.

Following: ";

Insert: "ELIMINATING MOST CONDITIONS ATTACHED TO THE SALE OF THE MONTANA YOUTH TREATMENT CENTER;"

Following: "SECTIONS"

Insert: "10-2-416,"

4. Title, page 1, line 24.

Strike: "41-5-206,"

Insert: "46-18-201,"

Following: "46-23-1021,"

Insert: "52-5-111,"

5. Title, page 1, line 25.

Following: "53-1-202,"

Insert: "53-1-402,"

6. Title, page 2, line 1.

Following: "MCA"

Insert: ", AND SECTION 5, CHAPTER 14, SPECIAL LAWS OF JUNE 1986"

7. Title, page 2, line 3.

Strike: "46-23-204,"

Strike: "52-5-111,"

8. Page 2, lines 18 through 20.

Strike: lines 18 through 20 in their entirety

AM Amd. Coord.
M. Sec. of Senate

Christians
Senator Christians

9. Page 2, line 21.

Following: "rules"

Strike: "establishing a maximum"

Insert: "adopted to manage the"

10. Page 2, lines 22 and 23.

Following: "population"

Strike: "and procedures for avoiding exceeding the maximum
population"

11. Page 2, line 23.

Following: "facilities"

Strike: "and"

Insert: ", the"

12. Page 2, line 24.

Following: "hospital"

Insert: ", emergency access to services, public and individual
safety, active treatment of patients, discharge planning of
patients, and access to community-based services. The
department is directed to involve consumers, family members
of consumers, mental health advocates, mental health
providers, law enforcement officials, and other governmental
officials in the development of the administrative rules
authorized by this bill"

13. Page 3, lines 2 and 3.

Strike: " -- " on line 2 through "rulemaking" on line 3

14. Page 3, line 6.

Following: "homes"

Insert: "."

15. Page 3, lines 7 through 12.

Strike: lines 7 through 12 in their entirety

16. Page 3, line 13 through page 7, line 19.

Strike: section 2 in its entirety

Insert: "Section 2. Section 10-2-416, MCA, is amended to read:

"10-2-416. Pledge to continue operation and maintenance.

Pursuant to 38 U.S.C. 641 and 5035(a)(6), the state shall
appropriate funds either from the general fund or from funds
generated under 16-11-111 to the department of corrections and
human services financial support necessary to provide for
continued operation and maintenance of the project upon
completion. The department of corrections and human services may
contract with a private vendor to provide for the operation of
the eastern Montana veterans' home and may charge the contract

vendor a rental fee for the maintenance and upkeep of the facility."

Section 3. Section 46-18-201, MCA, is amended to read:

"46-18-201. Sentences that may be imposed. (1) Whenever a person has been found guilty of an offense upon a verdict or a plea of guilty, the court may:

(a) defer imposition of sentence, except as provided in 61-8-714 and 61-8-722 for sentences for driving under the influence of alcohol or drugs, for a period, except as otherwise provided, not exceeding 1 year for any misdemeanor or for a period not exceeding 3 years for any felony. The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the period of the deferred imposition. Reasonable restrictions or conditions may include:

- (i) jail base release;
- (ii) jail time not exceeding 180 days;
- (iii) conditions for probation;
- (iv) restitution;
- (v) payment of the costs of confinement;
- (vi) payment of a fine as provided in 46-18-231;
- (vii) payment of costs as provided in 46-18-232 and 46-18-

233;

(viii) payment of costs of court-appointed counsel as provided in 46-8-113;

(ix) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;

(x) community service;

(xi) home arrest as provided in Title 46, chapter 18, part 10;

(xii) any other reasonable conditions considered necessary for rehabilitation or for the protection of society; or

(xiii) any combination of the above.

(b) suspend execution of sentence up to the maximum sentence allowed for each particular offense. The sentencing judge may impose on the defendant any reasonable restrictions or conditions during the period of suspended sentence. Reasonable restrictions or conditions may include any of those listed in subsection (1)(a).

(c) impose a fine as provided by law for the offense;

(d) require payment of costs as provided in 46-18-232 or payment of costs of court-appointed counsel as provided in 46-8-113;

(e) impose a county jail or state prison sentence, as provided in Title 45, for the offense or commit the defendant to the department of corrections and human services for placement in an appropriate correctional institution, with or without a

~~fine as provided by law for the offense or program;~~

(f) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;

(g) impose any combination of subsections (1)(b) through (1)(f).

(2) If a financial obligation is imposed as a condition under subsection (1)(a), sentence may be deferred for a period not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony, regardless of whether any other conditions are imposed.

(3) If any restrictions or conditions imposed under subsection (1)(a) or (1)(b) are violated, the court shall consider any elapsed time and either expressly allow part or all of it as a credit against the sentence or reject all or part as a credit and state its reasons in the order. Credit, however, must be allowed for jail or home arrest time already served.

(4) Except as provided in 45-9-202 and 46-18-222, the imposition or execution of the first 2 years of a sentence of imprisonment imposed under the following sections may not be deferred or suspended: 45-5-103, 45-5-202(3) relating to aggravated assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(4), and 45-9-103(2).

(5) Except as provided in 46-18-222, the imposition or execution of the first 10 years of a sentence of imprisonment imposed under 45-5-102 may not be deferred or suspended.

(6) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of a defendant who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(7) If the victim was less than 16 years old, the imposition or execution of the first 30 days of a sentence of imprisonment imposed under 45-5-503, 45-5-504, 45-5-505, or 45-5-507 may not be deferred or suspended. Section 46-18-222 does not apply to the first 30 days of the imprisonment.

(8) In imposing a sentence on a defendant convicted of a sexual offense as defined in 46-23-502, the court may not waive the registration requirement provided in 46-18-254, 46-18-255, and Title 46, chapter 23, part 5.

(9) A person convicted of a sexual offense, as defined in 46-23-502, and sentenced to imprisonment in the state prison shall enroll in the educational phase of the prison's sexual offender program.

(10) In sentencing a nonviolent felony offender, the court shall first consider alternatives to imprisonment of the offender in the state prison, including placement of the offender in a

community corrections facility or program. In considering alternatives to imprisonment, the court shall examine the sentencing criteria contained in 46-18-225. If the offender is subsequently sentenced to the state prison or a women's correctional facility, the court shall state its reasons why alternatives to imprisonment were not selected, based on the criteria contained in 46-18-225."

Renumber: subsequent sections

17. Page 11.

Following: line 24

Insert: "Section 7. Section 52-5-111 is amended to read:

"52-5-111. Commutation of sentence to state prison and transfer of prisoner to youth correctional facility ~~or Swan River forest camp~~. (1) Upon the application of a person under 19 years of age who has been sentenced to the state prison or upon the application of ~~his~~ the youth's parents or guardian, the governor may, after consulting with the department of corrections and human services and the department of family services and with the approval of the board of pardons, commute the sentence by committing such the person who may benefit from programs offered at a youth correctional facility to the department of family services until he the youth is 19 years of age or until sooner placed or discharged.

(2) If ~~such~~ the person's behavior after being committed to the department of family services indicates that ~~he~~ the youth is not a proper person to reside at one of the youth correctional facilities, the governor, after consulting with the department of corrections and human services and the department of family services and with the approval of the board of pardons, may revoke the commutation and return ~~him~~ the youth to the state prison to serve out ~~his~~ the youth's unexpired term, and the time spent by ~~him~~ the youth at one of the youth correctional facilities or while a refugee from one of the youth correctional facilities ~~shall not be~~ is not considered as a part of ~~his~~ the youth's original sentence.

(3) Upon recommendation of the warden and with the approval of the department of corrections and human services and the department of family services, a person under 19 years of age who has been sentenced to the state prison and who may benefit from programs offered at a youth correctional facility may be transferred to any youth correctional facility under the jurisdiction and control of the department of family services.

~~(4) Upon recommendation of the warden and approval of a person sentenced to the state prison or application of a person sentenced to the state prison and approval of the warden and with the approval of the department of corrections and human services,~~

~~such person sentenced to the state prison who is 25 years of age or younger may be transferred to the Swan River forest camp. Prior to departmental approval of the transfer, the person must undergo an evaluation by the department to determine his suitability for transfer to the camp. The results of the evaluation must include a finding that a minimum security facility is an appropriate placement for such person or the transfer shall be denied. If the person is transferred, he shall be under the supervision and control of the facility to which he is transferred.~~

~~(5)(4) If such the person's behavior after transfer to a youth correctional facility or the Swan River forest camp indicates he that the youth might be released on parole or his that the youth's sentence might be commuted and he the youth be discharged from custody, the superintendent of such the facility, with the approval of the department of corrections and human services and the department of family services in the case of a youth correctional facility or with the approval of the department of corrections and human services in the case of the Swan River forest camp, may make an appropriate recommendation to the board of pardons and the governor, who may in their discretion parole such person or commute his the youth's sentence.~~

~~(6)(5) If such the person's behavior after transfer to a youth correctional facility or the Swan River forest camp indicates he that the youth is not a proper person to reside in such the facility, upon recommendation of the superintendent and with the approval of the department of corrections and human services and the department of family services in the case of a youth correctional facility or with the approval of the department of corrections and human services in the case of the Swan River forest camp, such person shall the youth must be returned to the state prison to serve out his the unexpired term."~~

Renumber: subsequent sections

18. Page 14.

Following: line 13.

Insert: "Section 10. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. (1) The department shall assess and collect per diem and ancillary charges for care of residents in the following institutions:

- (a) Montana state hospital;
- (b) Montana developmental center;
- (c) Montana veterans' home;
- (d) eastern Montana veterans' home;

- (e) Montana center for the aged;
- (f) Eastmont human services center.

(2) This section does not apply to the eastern Montana veterans' home if the department contracts with a private vendor to operate the facility as provided for in 10-2-416."

Renumber: subsequent sections

19. Page 20, lines 2 through 7.

Strike: "The" on line 2 through "population." on line 7

Insert: "The department shall adopt rules to manage the state hospital patient population in a manner that will ensure emergency access to services, protect public and individual safety, provide active treatment, implement effective discharge planning, and assure access to appropriate community-based services.

(4) The department shall prepare a report to the 54th legislature that:

(a) describes current and projected future use of the Montana state hospital; and

(b) describes progress toward, and additional steps required for achievement of, accreditation by the joint commission on accreditation of healthcare organizations."

20. Page 23, line 20.

Following: "sentence."

Insert: "Good time credits for the discharge of a sentence may not exceed 180 days."

21. Page 24, line 4.

Following: line 3

Insert: "Section 18. Section 5, Chapter 14, Special Laws of June 1986, is amended to read:

"Section 5. ~~Conditions~~ Condition of sale. The sale of the Montana youth treatment center is subject to the following conditions:

~~(1) The buyer shall agree that as long as it holds title to the Montana youth treatment center it will accept those youth who are committed to the facility by the district courts pursuant to the Montana Youth Court Act, Title 41, chapter 5, and Title 53, chapter 21. The buyer shall agree to make available a minimum of 40 beds for treatment of such youth. The buyer or any subsequent transferee shall keep reasonable documentation of compliance with this condition. Failure to comply with the provisions of this section may result in the loss of hospital licensure.~~

~~(2) The buyer shall agree to maintain a license as a psychiatric hospital pursuant to Title 50, chapter 5, part 2, and to operate the facility as defined in 53-21-102(6) as a mental health treatment facility. The buyer shall also agree to comply~~

~~with state requirements relating to review and recommendations by the mental disabilities board of visitors.~~

~~(3) The buyer shall enter a written contract with the board of land commissioners providing that the buyer will bind by written agreement any purchaser or successor to its interest by transfer of the property to the conditions contained in [this act]. The board of land commissioners may make an exception to these conditions in any subsequent sale or transfer.~~

~~(4) If the condition that if the buyer of the facility proposes to sell the facility at any time, the state of Montana has the first option to repurchase the facility and land at its appraised value at the time of such the sale. The board of land commissioners shall attempt to conform the sale contract to this section and to remove any encumbrance on the title of the facility that does not reflect this section. The buyer and the state shall each commission an appraisal by a qualified appraiser at the time of sale. The appraised value is the average of the two appraisals.~~

~~(5) The buyer shall demonstrate that it is able to meet, at the time it proposes to purchase, the standards of the joint commission on accreditation of hospitals for adolescent psychiatric facilities and the certification standards of the health care financing administration of the United States department of health and human services for inpatient psychiatric services for individuals under age 21. The buyer shall demonstrate successful participation in the early survey option program of the joint commission on accreditation of hospitals.~~

~~(6) The buyer shall provide services to medicaid eligible and indigent patients and shall receive no per diem reimbursement from the department of institutions for services provided to youth ordered to the facility by the courts. Such services become the financial responsibility of the buyer, who may bill medicaid or private insurers when appropriate.~~

~~(7) The buyer shall accept emergency psychiatric admissions pursuant to 53-21-129 regardless of ability to pay and subject only to its licensure limitations.~~

~~(8) The buyer shall accept applications of all Montana youth treatment center employees who desire to continue employment with the purchaser. Among the substantially qualified applicants, present employees of the Montana youth treatment center must be given preference in hiring by the purchaser.~~

~~(9) Montana youth treatment center employees who wish to remain state employees shall be provided relocation assistance of up to \$1,000 and any training necessary to qualify for similar vacant positions within the department of institutions."~~

Renumber: subsequent sections

Amendments to House Bill No. 685
Third Reading Copy

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 1

Requested by Senator Franklin
For the Committee on Finance and Claims

DATE 4/14/93

BILL NO. HB 685

Prepared by Sandy Whitney
April 5, 1993

1. Title, lines 7 and 8.

Strike: "SPECIFIED" on line 7 through "PROGRAMS" on line 8

Insert: "VETERANS' NURSING HOMES"

2. Page 2, lines 18 through 20.

Strike: lines 18 through 20 in their entirety

3. Page 3, lines 2 and 3.

Strike: " -- " on line 2 through "rulemaking" on line 3

4. Page 3, line 6.

Following: "homes"

Insert: "."

5. Page 3, lines 7 through 12.

Strike: lines 7 through 12 in their entirety

6. Page 24, lines 22 and 23.

Strike: "AND" on line 22 through "CARE" on line 23

Office of Legislative Fiscal Analyst

444-2986}

Carried

Amendments to House Bill No. 685
Third Reading Copy

2

Requested by Senator Franklin
For the Committee on Finance and Claims

Prepared by Sandy Whitney
April 5, 1993

1. Title, page 1, line 23.

Following: "SECTIONS"

Insert: "10-2-416,"

carried

2. Page 1, line 25.

Following: "53-1-202,"

Insert: "53-1-402,"

3. Page 3.

Following: line 12.

Insert: "Section 2. Section 10-2-416, MCA, is amended to read:

"10-2-416. Pledge to continue operation and maintenance.

Pursuant to 38 U.S.C. 641 and 5035(a)(6), the state shall appropriate either from the general fund or from funds generated under 16-11-111 to the department of corrections and human services financial support necessary to provide for continued operation and maintenance of the project upon completion. The department of corrections and human services may contract with a private vendor to provide for the operation of the eastern Montana veterans' home and may charge the contract vendor a rental fee for the maintenance and upkeep of the facility."

Renumber: subsequent sections

4. Page 14.

Following: line 13.

Insert: "Section 9. Section 53-1-402, MCA, is amended to read:

"53-1-402. Residents subject to per diem and ancillary charges. (1) The department shall assess and collect per diem and ancillary charges for care of residents in the following institutions:

- (1) (a) Montana state hospital;
- (2) (b) Montana developmental center;
- (3) (c) Montana veterans' home;
- (4) (d) eastern Montana veterans' home;
- (5) (e) Montana center for the aged;
- (6) (f) Eastmont human services center.

(2) This section does not apply to the eastern Montana veterans' home if the department contracts with a private vendor to operate the facility as provided for in 10-2-416."

Renumber: subsequent sections

5. Page 24, lines 12 and 15.

Strike: "8"

Insert: "9"

6. Page 25, line 2.

Strike: "14"

Insert: "16"

{Office of Legislative Fiscal Analyst

444-2986}

3

Amendments to House Bill No. 685
Third Reading Copy

EXHIBIT #1
DATE 4-14-93
HB-685

Requested by Senator Franklin
For the Committee on Finance and Claims

Prepared by Sandy Whitney
April 5, 1993

Carried

1. Title, page 1, line 8.

Following: "PROGRAMS;"

Insert: "PROVIDING THAT A DEFENDANT WHO MAY BE SENTENCED TO A COUNTY JAIL OR PRISON MAY BE COMMITTED TO THE DEPARTMENT FOR PLACEMENT IN AN APPROPRIATE INSTITUTION OR PROGRAM;"

2. Title, page 1, line 24.

Following: "41-5-206,"

Insert: "46-18-201,"

3. Page 7, line 20.

Following: line 19

Insert: "Section 3. Section 46-18-201, MCA, is amended to read:

"46-18-201. Sentences that may be imposed. (1) Whenever a person has been found guilty of an offense upon a verdict or a plea of guilty, the court may:

(a) defer imposition of sentence, except as provided in 61-8-714 and 61-8-722 for sentences for driving under the influence of alcohol or drugs, for a period, except as otherwise provided, not exceeding 1 year for any misdemeanor or for a period not exceeding 3 years for any felony. The sentencing judge may impose upon the defendant any reasonable restrictions or conditions during the period of the deferred imposition. Reasonable restrictions or conditions may include:

- (i) jail base release;
- (ii) jail time not exceeding 180 days;
- (iii) conditions for probation;
- (iv) restitution;
- (v) payment of the costs of confinement;
- (vi) payment of a fine as provided in 46-18-231;
- (vii) payment of costs as provided in 46-18-232 and 46-18-233;
- (viii) payment of costs of court-appointed counsel as provided in 46-8-113;
- (ix) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;
- (x) community service;
- (xi) home arrest as provided in Title 46, chapter 18, part 10;
- (xii) any other reasonable conditions considered necessary for rehabilitation or for the protection of society; or
- (xiii) any combination of the above.

(b) suspend execution of sentence up to the maximum sentence allowed for each particular offense. The sentencing judge may impose on the defendant any reasonable restrictions or conditions during the period of suspended sentence. Reasonable restrictions or conditions may include any of those listed in subsection (1)(a).

(c) impose a fine as provided by law for the offense;

(d) require payment of costs as provided in 46-18-232 or payment of costs of court-appointed counsel as provided in 46-8-113;

(e) impose a county jail or state prison sentence, as provided in Title 45, for the offense or commit the defendant to a the department of corrections and human services for placement

~~in an appropriate correctional institution, with or without a fine as provided by law for the offense or program;~~

(f) with the approval of the facility or program, order the offender to be placed in a community corrections facility or program as provided in 53-30-321;

(g) impose any combination of subsections (1)(b) through (1)(f).

(2) If a financial obligation is imposed as a condition under subsection (1)(a), sentence may be deferred for a period not exceeding 2 years for a misdemeanor or for a period not exceeding 6 years for a felony, regardless of whether any other conditions are imposed.

(3) If any restrictions or conditions imposed under subsection (1)(a) or (1)(b) are violated, the court shall consider any elapsed time and either expressly allow part or all of it as a credit against the sentence or reject all or part as a credit and state its reasons in the order. Credit, however, must be allowed for jail or home arrest time already served.

(4) Except as provided in 45-9-202 and 46-18-222, the imposition or execution of the first 2 years of a sentence of imprisonment imposed under the following sections may not be deferred or suspended: 45-5-103, 45-5-202(3) relating to aggravated assault, 45-5-302(2), 45-5-303(2), 45-5-401(2), 45-5-502(3), 45-5-503(2) and (3), 45-9-101(2), (3), and (5)(d), 45-9-102(4), and 45-9-103(2).

(5) Except as provided in 46-18-222, the imposition or execution of the first 10 years of a sentence of imprisonment imposed under 45-5-102 may not be deferred or suspended.

(6) Except as provided in 46-18-222, imposition of sentence in a felony case may not be deferred in the case of a defendant who has been convicted of a felony on a prior occasion, whether or not the sentence was imposed, imposition of the sentence was deferred, or execution of the sentence was suspended.

(7) If the victim was less than 16 years old, the imposition or execution of the first 30 days of a sentence of imprisonment imposed under 45-5-503, 45-5-504, 45-5-505, or 45-5-507 may not be deferred or suspended. Section 46-18-222 does not apply to the first 30 days of the imprisonment.

(8) In imposing a sentence on a defendant convicted of a sexual offense as defined in 46-23-502, the court may not waive the registration requirement provided in 46-18-254, 46-18-255, and Title 46, chapter 23, part 5.

(9) A person convicted of a sexual offense, as defined in 46-23-502, and sentenced to imprisonment in the state prison shall enroll in the educational phase of the prison's sexual offender program.

(10) In sentencing a nonviolent felony offender, the court shall first consider alternatives to imprisonment of the offender in the state prison, including placement of the offender in a community corrections facility or program. In considering alternatives to imprisonment, the court shall examine the sentencing criteria contained in 46-18-225. If the offender is subsequently sentenced to the state prison or a women's correctional facility, the court shall state its reasons why alternatives to imprisonment were not selected, based on the criteria contained in 46-18-225."

Renumber: subsequent sections

4. Page 24, lines 12 and 15.

Strike: "8"

Insert: "9"

5. Page 25, line 2.

Strike: "14"

Insert: "15"

4

Amendments to House Bill No. 685
Third Reading Copy

Requested by Senator Franklin
For the Committee on Finance and Claims

Prepared by Sandy Whitney
April 5, 1993

1. Title, page 1, line 24.

Strike: "41-5-206,"

Following: "46-23-1021,"

Insert: "52-5-111,"

2. Title, page 2, line 3.

Strike: "46-23-204,"

Strike: "52-5-111,"

3. Page 3, line 13 through page 7, line 19.

Strike: section 2 in its entirety

Renumber: subsequent sections

4. Page 7, line 8.

Following: "52-5-111"

Insert: "under the procedures of 52-5-111"

5. Page 11.

Following line 24

Insert: "Section 5. Section 52-5-111 is amended to read:

"52-5-111. Commutation of sentence to state prison and transfer of prisoner to youth correctional facility or ~~Swan River forest camp~~. (1) Upon the application of a person under 19 years of age who has been sentenced to the state prison or upon the application of ~~his~~ the youth's parents or guardian, the governor may, after consulting with the department of corrections and human services and the department of family services and with the approval of the board of pardons, commute the sentence by committing ~~such~~ the person who may benefit from programs offered at a youth correctional facility to the department of family services until ~~he~~ the youth is 19 years of age or until sooner placed or discharged.

(2) If ~~such~~ the person's behavior after being committed to the department of family services indicates that ~~he~~ the youth is not a proper person to reside at one of the youth correctional facilities, the governor, after consulting with the department of corrections and human services and the department of family services and with the approval of the board of pardons, may revoke the commutation and return ~~him~~ the youth to the state prison to serve out ~~his~~ the youth's unexpired term, and the time spent by ~~him~~ the youth at one of the youth correctional facilities or while a refugee from one of the youth correctional facilities ~~shall not be~~ is not considered as a part of ~~his~~ the youth's original sentence.

(3) Upon recommendation of the warden and with the approval of the department of corrections and human services and the department of family services, a person under 19 years of age who has been sentenced to the state prison and who may benefit from programs offered at a youth correctional facility may be transferred to any youth correctional facility under the jurisdiction and control of the department of family services.

(4) ~~Upon recommendation of the warden and approval of a person sentenced to the state prison or application of a person sentenced to the state prison and approval of the warden and with the approval of the department of corrections and human services, such person sentenced to~~

~~the state prison who is 25 years of age or younger may be transferred to the Swan River forest camp. Prior to departmental approval of the transfer, the person must undergo an evaluation by the department to determine his suitability for transfer to the camp. The results of the evaluation must include a finding that a minimum security facility is an appropriate placement for such person or the transfer shall be denied. If the person is transferred, he shall be under the supervision and control of the facility to which he is transferred.~~

~~(5)(4) If such the person's behavior after transfer to a youth correctional facility or the Swan River forest camp indicates he that the youth might be released on parole or his that the youth's sentence might be commuted and he the youth be discharged from custody, the superintendent of such the facility, with the approval of the department of corrections and human services and the department of family services in the case of a youth correctional facility or with the approval of the department of corrections and human services in the case of the Swan River forest camp, may make an appropriate recommendation to the board of pardons and the governor, who may in their discretion parole such person or commute his the youth's sentence.~~

~~(6)(5) If such the person's behavior after transfer to a youth correctional facility or the Swan River forest camp indicates he that the youth is not a proper person to reside in such the facility, upon recommendation of the superintendent and with the approval of the department of corrections and human services and the department of family services in the case of a youth correctional facility or with the approval of the department of corrections and human services in the case of the Swan River forest camp, such person shall the youth must be returned to the state prison to serve out his the unexpired term."~~

Renumber: subsequent sections

6. Page 24, line 5.

Strike: "46-23-204,"

7. Page 24, line 6.

Strike: "52-5-111,"

8. Page 24, lines 12 and 15.

Strike: "8"

Insert: "9"

9. Page 25, line 2.

Strike: "14"

Insert: "15"

{Office of Legislative Fiscal Analyst

444-2986}

EXHIBIT #1

DATE 4-14-93

Amendments to House Bill No. 685

HB-1285

Third Reading Copy

5

Requested by Senator Franklin - No recommendation
For the Committee on Finance and Claims

Prepared by Sandy Whitney
April 5, 1993

*replaced
in
character
amendment
X2*

1. Page 2, line 24.
Following: "hospital"
Insert: ", public and individual safety, discharge planning, and available community resources. The department is directed to involve consumers, family members of consumers, mental health advocates, mental health providers, law enforcement, and other governmental officials in the development of the administrative rules authorized by this bill."
2. Page 20, line 2.
Strike: "The department may establish a"
Insert: "A"
3. Page 20, line 3.
Following: "population"
Insert: "of 230 is established,"
4. Page 20, line 4.
Following: "facilities"
Insert: ", public and individual safety, discharge planning, and available community resources"
5. Page 20, lines 4 through 6.
Strike: "When" on line 4 through "available." on line 6
6. Page 20, line 6.
Following: "The department"
Strike: "may"
Insert: "shall"
7. Page 20, line 7.
Following: "rules to"
Strike: "establish and"
Following: "manage"
Strike: "a"
Insert: "the"
Following: "population"
Insert: "and to ensure emergency access to services"

{Office of Legislative Fiscal Analyst

444-2986}

6

Amendments to House Bill No. 685
Third Reading Copy

Requested by Senator Franklin - recommend do not pass
For the Committee on Finance and Claims

Prepared by Greg Petesch
April 5, 1993

1. Page 21, line 12.

Strike: "The"

Insert: "After construction, the"

2. Page 21, lines 16 through 19.

Following: "." on line 16

Strike: remainder of line 16 through "." on line 19

Did not pass

{Office of Legislative Fiscal Analyst

444-2986}

Amendments to House Bill No. 685
Third Reading Copy

Requested by Senator Franklin - no recommendation
For the Committee on Finance and Claims

Prepared by Greg Petesch
April 6, 1993

Carried

1. Title, line 23.

Following: ";

Insert: "ELIMINATING MOST CONDITIONS ATTACHED TO THE SALE OF
THE MONTANA YOUTH TREATMENT CENTER;"

2. Title, page 2, line 1.

Following: "MCA"

Insert: ", AND SECTION 5, CHAPTER 14, SPECIAL LAWS OF JUNE 1986"

3. Page 24, line 4.

Following: line 3

Insert: "Section 15. Section 5, Chapter 14, Special Laws June, 1986, is amended
to read:

"Section 5. Conditions Condition of sale. The sale of the Montana youth
treatment center is subject to the following conditions:-

(1) ~~The buyer shall agree that as long as it holds title to the Montana
youth treatment center it will accept those youth who are committed to the facility
by the district courts pursuant to the Montana Youth Court Act, Title 41, chapter
5, and Title 53, chapter 21. The buyer shall agree to make available a minimum
of 40 beds for treatment of such youth. The buyer or any subsequent transferee
shall keep reasonable documentation of compliance with this condition. Failure
to comply with the provisions of this section may result in the loss of hospital
licensure.~~

(2) ~~The buyer shall agree to maintain a license as a psychiatric hospital
pursuant to Title 50, chapter 5, part 2, and to operate the facility as defined in
53-21-102(6) as a mental health treatment facility. The buyer shall also agree to
comply with state requirements relating to review and recommendations by the
mental disabilities board of visitors.~~

(3) ~~The buyer shall enter a written contract with the board of land
commissioners providing that the buyer will bind by written agreement any
purchaser or successor to its interest by transfer of the property to the conditions
contained in [this act]. The board of land commissioners may make an exception
to these conditions in any subsequent sale or transfer.~~

(4) If the condition that if the buyer of the facility proposes to sell the
facility at any time, the state of Montana has the first option to repurchase the
facility and land at its appraised value at the time of such sale. The board of
land commissioners shall attempt to conform the sale contract to this section and
to remove any encumbrance on the title of the facility that does not reflect this

~~section. The buyer and the state shall each commission an appraisal by a qualified appraiser at the time of sale. The appraised value is the average of the two appraisals.~~

~~(5) The buyer shall demonstrate that it is able to meet, at the time it proposes to purchase, the standards of the joint commission on accreditation of hospitals for adolescent psychiatric facilities and the certification standards of the health care financing administration of the United States department of health and human services for inpatient psychiatric services for individuals under age 21. The buyer shall demonstrate successful participation in the early survey option program of the joint commission on accreditation of hospitals.~~

~~(6) The buyer shall provide services to medicaid-eligible and indigent patients and shall receive no per diem reimbursement from the department of institutions for services provided to youth ordered to the facility by the courts. Such services become the financial responsibility of the buyer, who may bill medicaid or private insurers when appropriate.~~

~~(7) The buyer shall accept emergency psychiatric admissions pursuant to 53-21-129 regardless of ability to pay and subject only to its licensure limitations.~~

~~(8) The buyer shall accept applications of all Montana youth treatment center employees who desire to continue employment with the purchaser. Among the substantially qualified applicants, present employees of the Montana youth treatment center must be given preference in hiring by the purchaser.~~

~~(9) Montana youth treatment center employees who wish to remain state employees shall be provided relocation assistance of up to \$1,000 and any training necessary to qualify for similar vacant positions within the department of institutions."~~

Renumber: subsequent sections

{Office of Legislative Fiscal Analyst

444-2986}

Amendments to House Bill No. 685
Third Reading Copy

EXHIBIT #1
DATE 4-14-93
X HB-685

Requested by Senator Christiaens
For the Committee on Finance and Claims

Prepared by Sandy Whitney
April 6, 1993

Carroll

1. Page 23, line 20.

Following: "sentence."

Insert: "Good time credits for the discharge of a sentence may not exceed 180 days."

{Office of Legislative Fiscal Analyst

444-2986}

AMENDMENTS TO HOUSE BILL NO. 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT BUDGET REDUCTIONS

PROPOSED AMENDMENTS

SENATE FINANCE AND CLAIMS

EXHIBIT NO. 2

DATE 4/14/93

BILL NO. HB 685

1. Page 2, line 21.

following: "rules"
delete: "establishing a maximum"
insert: "adopted to manage the"

2. Page 2, line 22.

following: "population"
delete: "and procedures for avoiding exceeding the
maximum population"

3. Page 2, line 23.

following: "facilities"
delete: "and"
insert: ", the"

Carried

4. Page 2, line 24.

following: "hospital"
delete: "."
insert: ", emergency access to services, public and
individual safety, active treatment of
patients, discharge planning of patients, and
access to community based services. The
department is directed to involve consumers,
family members of consumers, mental health
advocates, mental health providers, law
enforcement, and other governmental officials
in the development of the administrative rules
authorized by this bill."

5. Page 20, line 2 thorough line 7.

delete: "The department may establish a maximum
Montana state hospital population based upon
available staff and facilities. When the
patient population maximum is reached, the
department may defer additional admissions
until patient discharges make space available.
The department may adopt rules to establish
and manage a maximum patient population."

insert:

"The department shall adopt rules to manage the state hospital patient population in a manner which will ensure emergency access to services, protect public and individual safety, provide active treatment, implement effective discharge planning and assure access to appropriate community based services.

(5) The department shall prepare a report to the 54th Session of the Legislature which:

(a) describes current and projected future utilization of the Montana State Hospital, and

(b) describes progress toward, and additional steps required for achievement of, accreditation by the Joint Commission on Accreditation of Healthcare Organizations."

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 53rd LEGISLATURE - REGULAR SESSION

COMMITTEE ON APPROPRIATIONS

Call to Order: By REP. TOM ZOOK, CHAIRMAN, on March 18, 1993, at 9:00 A.M.

ROLL CALL

Members Present:

Rep. Tom Zook, Chairman (R)
Rep. Ed Grady, Vice Chairman (R)
Rep. Francis Bardanouve (D)
Rep. Ernest Bergsagel (R)
Rep. John Cobb (R)
Rep. Roger DeBruycker (R)
Rep. Marj Fisher (R)
Rep. John Johnson (D)
Rep. Royal Johnson (R)
Rep. Mike Kadas (D)
Rep. Betty Lou Kasten (R)
Rep. Red Menahan (D)
Rep. Linda Nelson (D)
Rep. Ray Peck (D)
Rep. Mary Lou Peterson (R)
Rep. Joe Quilici (D)
Rep. Dave Wanzenried (D)
Rep. Bill Wiseman (R)

Members Excused: None

Members Absent: None

Staff Present: Terry Cohea, Legislative Fiscal Analyst
Mary Lou Schmitz, Committee Secretary

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing: HB 685; HB 682
Executive Action: None

HEARING ON HB 685

An act generally revising corrections and human services laws to implement budget reductions.

Opening Statement by Sponsor: REP. ED GRADY, House District 47, Canyon Creek, described HB 685 as the statute changes necessary to comply with HB 2 with regard to the veterans' programs, women's correctional center, Swan River Forest Camp, mental health division, alcohol and drug abuse services, and other special services.

Proponents' Testimony: Rick Day, Director, Department of Corrections and Human Services (DCHS), distributed a summary of the bill and its impact on corrections, the mental health division, the alcohol and drug abuse division, and special services. EXHIBIT 1

He reviewed proposed amendments to the bill which coordinate HB 685 with other legislation and HB 2. EXHIBIT 2

He distributed proposed amendments which would retain statutes regarding the establishment of the eastern Montana veteran's home in anticipation that the next legislature may wish to construct the home. EXHIBIT 3

He distributed amendments which would amend, rather than repeal, Section 46-23-204, MCA, which requires the Board of Pardons to hear from all persons desiring to be heard. EXHIBIT 4

Beth Baker, Department of Justice, supported the amendments regarding the Board of Pardons. She said the department feels strongly that the section should not be repealed because it provides the only mechanism for victims to appear before the parole board to express their concerns about parole decisions. She said the statute also gives prosecutors the same opportunity.

Opponents' Testimony: REP. VIVIAN BROOKE, House District 56, Missoula, strongly opposed lines 15-18, page 21, which allows DCHS to continue operating the women's correctional center in a temporary location during the 1994-95 biennium. She read testimony from many individuals including current and past inmates, staff from the University of Montana, and others. The testimony objected to the inequitable treatment of female inmates, inadequate, deteriorating facilities, and the lack of adequate programming and treatment for women inmates. The current facility was described as "not fit for human habitation." REP. BROOKE opposed maintaining the current, temporary facility.

Harley Warner, Montana Association of Churches, declared that describing the women's correctional center as a temporary facility was ludicrous because the women had been at Warm Springs for over ten years. He asserted it was time to build a new facility for the women and provide them with appropriate programs.

Sharon Hoff, Montana Catholic Conference, objected to the continuation of the women's correctional center at Warm Springs. She suggested women inmates did not want a facility equal to the

men's but wanted to be treated with respect and dignity. She stated her opposition was not to down-sizing the prison but to maintaining the status quo. She declared it was wrong to keep women inmates in the facility for two more years.

Kevin McRae, Montana Federation of State Employees, stated the federation represented 900 employees in DCHS. He addressed three areas of concern in the bill: (1) relocation of the chemical dependency treatment center; (2) deletion of "comprehensive" on line 21, page 18, in the description of mental health care services provided at the Montana State Hospital; and (3) the release of prison inmates when the prison population exceeds the capacity of the institution. He stated employees were concerned that relocating the chemical dependency treatment center to a non-state facility would lead to increased costs and the subsequent closure of the program. He also asked that the relocation site of the center be specified in the bill. He noted reductions at Montana State Hospital had already occurred and expressed the concern of employees about more reductions if the scope of services was decreased. Finally, he asked the committee to consider carefully the effect of reducing the prison population on both public and prison staff safety. He suggested paroling 350 low-risk inmates would heighten the risk to staff from remaining inmates.

Willie Day objected to using the cigarette tax for home health care rather than the veterans' nursing home. He stated HB 46 had been passed without input from veterans. He also objected that the hearing on HB 685 had not been posted, and he had heard about the meeting through word-of-mouth. **CHAIRMAN ZOOK** stated the hearing for HB 685 had been posted 48 hours in advance.

Informational Testimony: None

Questions From Committee Members and Responses: **REP. FISHER**

asked **Mr. Day** to describe the type of crimes committed by people who would be paroled in down-sizing the Montana State Prison.

Mr. Day reminded **REP. FISHER** that the down-sizing would be a 14-month process in which the department would focus more on people coming into the prison than on current inmates. He said the department estimated that 50 percent of inmates sentenced to prison could be diverted to other programs; thus, the effort would be to reduce the number of new inmates and to continue the normal parole process. He reported 500-600 inmates were released per year in the normal process. He stated if the safety valve procedure were used, it would involve over 200 inmates who have a minimum security classification. He suggested 42 percent of inmates are sentenced to less than five years and are ready for parole before entering prison.

REP. ROYAL JOHNSON asked **Mr. Day** whether amendments such as those proposed for eastern Montana's veterans' home should be drafted for the women's correctional center. **Mr. Day** stated no statutes related to the center had been changed. **REP. ROYAL JOHNSON** asked

whether an amendment was needed to ensure the site for the center. **Mr. Day** stated the department only needed a provision for the temporary location. **REP. ROYAL JOHNSON** asked **Mr. Day** to study the statutes and determine whether an amendment was needed; **Mr. Day** agreed to do so.

REP. ROYAL JOHNSON referred to statements made about problems and costs of moving employees and asked **Mr. McRae** whether he would consider the concerns of employees or the concerns of patients as most important in making decisions, if he were a member of the appropriations committee. **Mr. McRae** responded that he had been talking specifically about the closure of the chemical dependency program at Galen. He stated the cost of maintaining the program at Galen was the same as moving it; he reported the move had been justified by the closure of the nursing home and acute care hospital. He said neither the facility nor the treatment of clients in the chemical dependency program had been criticized.

CHAIRMAN ZOOK said his understanding was that the support costs for the chemical dependency program would be the same, but other savings were effected by moving the program. He asked **Mr. Day** to address the issue. **Mr. Day** reported the subcommittee had identified \$1 million in savings by moving the program to the St. James facility. He said the rental at St. James would be \$275,000.

CHAIRMAN ZOOK noted **REP. GRADY** needed to leave and asked him for his concluding remarks. **REP. GRADY** emphasized that construction of the women's correctional center was being delayed and not eliminated. He maintained the state could not afford to build the center at this time and contended a delay would allow further assessment of the size of facility needed. He reported he had visited the center at Warm Springs and had not observed all the problems which had been described by opponents. He noted \$260,000 would be used to address some of the problems. He said he had met with women inmates and that they were happy to be in the facility. **REP. GRADY** addressed the chemical dependency program and resisted specifying a location for the program. He said St. James was a very viable option but the department should have flexibility in placing the program. He acknowledged that HB 685 was a major bill with many significant changes.

REP. QUILICI expressed his concern about the possibility that the level of supervision of parolees would be reduced when the caseload reached certain levels. He suggested to **Mr. Day** that the department would need more parole officers to ensure sufficient supervision. **Mr. Day** stated the bill's language did not accurately describe the department's plan. He said the parole and probation area was being increased by 16 additional parole officers which would allow the supervision of an additional 480 inmates. He said the bill's language addressed the need to cap the entire corrections system. He said once capacity had exceeded resources, then the need for supervision would need to be assessed. **REP. QUILICI** declared the bill's

language "jumped out" and implied that caseload, rather than the type of crime or the individual's behavior, would determine the level of supervision of parolees. He asserted supervision should not be determined by caseload. **Mr. Day** agreed.

REP. KADAS asked **Mr. Day** whether the rationale for the amendment on the board of pardons was that allowing people to testify orally was too great a burden to the board. **Mr. Day** stated that current statutes required the board to accept testimony from anyone who wanted to make a statement and were burdensome. He said the change would give the board control over the process and allow them to have discretion over accepting oral testimony. He said the section was not critical to the bill. **REP. KADAS** suggested the amendment put the board in the position of deciding who they heard orally or with written testimony. **Mr. Day** said the board would be required to receive all written testimony; they would have the authority to regulate oral testimony. **REP. KADAS** suggested the board could decide not to take oral testimony in which case victims would have no access to the board. **Mr. Day** stated that he understood the concern and the intent was not to eliminate the victim's access to the board of pardons. He stated oral testimony could still be given.

REP. WANZENRIED asked **Mr. Day** to explain why the language pertaining to continuing the operation of the women's correction center in a temporary location (lines 16-18, page 21) was in the bill. **Mr. Day** said he was unsure why the department considered the language necessary. He said the language clarified the department's procedure and described the temporary solution.

REP. WANZENRIED asked the reason for putting the temporary solution in statute when the department already had the discretion for the action. **Mr. Day** stated the action was considered a substantive change which needed to be in statute and was supported by HB 2. **REP. WANZENRIED** recalled that HB 5 clearly indicated the women's correctional center would be built in Billings. He asked **Mr. Day** why the department needed permission to operate at Warm Springs if the plan was to move the center. **Mr. Day** said he would leave the language to the discretion of the committee.

REP. WANZENRIED recalled that **REP. GRADY** had stated the population at the women's correctional center would be reduced from 50 to 25 and asked **Mr. Day** if he agreed. **Mr. Day** said the population was now 54; he said a study had shown that the length of stay had increased from 16.7 to 20 months. **REP. WANZENRIED** asked **Mr. Day** how quickly the population could be reduced. **Mr. Day** responded the women's correctional system was not currently at full capacity; he said the capacity was 76 inmates, including pre-release centers and the women's correctional center. He said the department was moving away from the institutional concept toward a community-based system. **REP. WANZENRIED** asked **Mr. Day** how quickly the department could move to the community-based system and whether it would be in place by the end of the year. **Mr. Day** responded that reductions would be made over a period of

time. He said the Butte pre-release center was currently in operation with 16 inmates and the system would be in place by the next biennium.

REP. BARDANOUE expressed his concern that some sections of HB 685 should be heard in judiciary rather than appropriations. He suggested the committee might not have the expertise to judge the wisdom of changing the process of the board of pardons or abolishing the Swan River Camp.

REP. MENAHAN asked **Mr. Day** how many of the ladies at the women's correctional center had been granted parole but were staying in order to complete programs. **Mr. Day** said he did not know.

REP. MENAHAN stated he found it ironic that there was no discussion of issues which might lead to a strike at the Montana State Prison or problems at Mountain View School and Pine Hills. He stated no successful prison had ever been built and supported a new orientation in the correctional system.

REP. JOHN JOHNSON expressed his discomfort with the deletion of the site selection process for the eastern Montana's veterans' home while a similar process was retained in statute for the women's correctional center. He asked **Mr. Day** the reason for deleting the site selection process. **Mr. Day** stated statutes were deleted because the selection process had been completed; he noted the site for the veterans' home remained in statute. He said he would examine statutes to determine if the selection process for the women's correctional center should also be deleted. He emphasized that the deletion would have no impact on the completed process. **REP. JOHN JOHNSON** agreed the process had been completed, but suggested the process could be reopened because no site had been specified. He asked **Mr. Day** how he planned to involve veterans in developing a program for aging veterans. **Mr. Day** stated the rule-making process would ensure their involvement. He said initially informal sessions with concerned parties would be held to draft rules, and veterans would be involved throughout the process. **REP. JOHN JOHNSON** stated that people were sometimes suspicious of the rule-making process. He suggested the committee might be better than the department in acquiring input from people in military and veterans affairs and would ensure that veterans were represented. **Mr. Day** stated he had no objection to the committee handling the program development, but he suggested the administrative rule-making process allowed more time for participation and consideration.

REP. PETERSON asked **Mr. Day** to describe the department's plan for people who violated parole. **Mr. Day** said the plan did not change the court or probation system. **REP. PETERSON** suggested that the department send notices to legislators when meetings were scheduled for the veterans' program development. **Mr. Day** responded he would not object to direction by the committee to

include veterans in the rule-making process, although he considered it unnecessary.

REP. PETERSON thanked REP. BROOKE for presenting testimony from the women inmates at the women's correctional center in Warm Springs. She asked REP. BROOKE whether she had plans to involve volunteers in the new facility when it was built. REP. BROOKE thanked REP. PETERSON for her compliment and reported that she planned to meet with faculty from the university who had contacted colleagues at Eastern Montana College (EMC). She said faculty were interested in facilitating the development of programs in the new facility.

CHAIRMAN ZOOK noted that REP. BROOKE had mentioned a promise of a hearing for the inmates of the women's prison. He asked her when the promise had been made and by whom. REP. BROOKE responded she had not meant to imply a promise had been broken. She said when REPS. NELSON and GRADY had visited the women's correctional center, the women thought they had been promised a hearing. REP. BROOKE said she had talked to the warden and to Mr. Day, both of whom had concerns; and they had decided letters would be more appropriate. She said the women wanted a voice at the legislature, and she had agreed to represent them. CHAIRMAN ZOOK responded that he had not known of any promise and did not want to leave an impression that a promise of a hearing had been broken. REP. BROOKE agreed no promise had been broken. She said she had made a commitment to keep the women informed of actions by the legislature. She clarified a statement by REP. GRADY that the women were happy in Warm Springs. She said the women had been told of a plan to move them to Wyoming, and they did not want to move.

REP. MENAHAN reported his visit to the women's correctional center. He said the women wanted a new facility, but they were most concerned about keeping the programs in which they were involved.

REP. WISEMAN asked REP. MENAHAN why anyone would voluntarily stay at the center, if the facility was so bad. REP. MENAHAN explained some of the women stayed because of the counseling they were receiving and the programs which were helping them to turn around their lives.

REP. NELSON commented on her visit to the women's correctional center. She said she had expected criticism because of the delay in constructing the new facility. She said the women had indicated they were satisfied and willing to stay where they were. She said she had not seen the dire circumstances described by others. REP. NELSON reported that the possibility of a hearing was discussed but no promises had been made.

REP. BARDANOUVE asked Mr. Day whether the cigarette tax revenue to be used to support the operation and maintenance of the Montana veterans' homes program was the money set aside for

constructing the veterans' home in Glendive. Mr. Day responded it was not the money set aside for construction of the home.

John Johnson, Public Policy Coordinator, Mental Health Association of Montana, addressed two issues of concern in HB 685. First, he asked that, regardless of the location of the women's correctional facility, adequate mental health services be provided. Secondly, he expressed strong support for Section 8 of the bill which directs the Department of Corrections and Human Services to coordinate services for severely emotionally disturbed children in Montana. He said the section was the result of months of negotiation among agencies and urged the committee to keep the section intact.

HEARING ON HB 682

An act eliminating the Montana Board of Science and Technology Development.

Opening Statement by Sponsor: REP. FRANCIS BARDANOUVE, House District 16, Harlem, introduced HB 682 by request of the House appropriations committee. He stated the effectiveness of the Montana Science and Technology Alliance (MSTA) program had been controversial. He reported the state had invested a great deal of money into the program and its continuation would entail increasing amounts of money. He described MSTTA as a speculative program which had been promoted as a panacea for Montana's economic problems. He suggested the program had not been successful.

Proponents' Testimony: None

Opponents' Testimony: REP. STEVE BENEDICT, House District 64, Hamilton, expressed his admiration for REP. BARDANOUVE and his opposition to HB 682. He described MSTTA as Montana's only hope to break free of its reliance on a resource-based economy. He stated Montana's children were not preparing for jobs in basic industry but for careers in technology. He asserted the bill would kill a program which had created over 300 jobs in Montana with thousands more on the way. He declared the bill would send a message to industry that Montana was not interested and would deny Montana's children jobs in Montana.

Richard Potter, President, Nurture, Inc., Missoula, expressed his disbelief that the legislature was considering eliminating MSTTA. He stated that although he understood the concern about the lack of return on investment to date, the legislature was not viewing the program as a long-term investment which requires 5-7 years for a return. He said Nurture, Inc., was the first company to be funded by MSTTA three years ago. He reported that in the last two years, Nurture, Inc., had brought in several million dollars from outside Montana and created 23 jobs with a \$1 million annual payroll. He said the company was building a \$2 million

OMNIBUS REVISION BILL TO IMPLEMENT SPENDING REDUCTIONS
SUMMARY OF IMPACT
DEPARTMENT OF CORRECTIONS AND HUMAN SERVICES

EXHIBIT 1
DATE 3/18/85
HB 685

This legislation is necessary in order to implement the spending reductions applicable to the Department of Corrections and Human Services contained in House Bill 2.

CORRECTIONS: This bill would change the focus from the prison to the community, by downsizing the prisons and authorizing the Department to grant good time to the end of sentences to render inmates eligible for parole or discharge. The good time grant allows the Department to control the prison population while working toward the 850 cap included in HB2. In turn, the cap ensures a manageable population in relation to resources.

The Department would have authority to charge inmates per diem rates for room, board, health care, and other ancillary services.

Swan River Forest Camp would be discontinued. Personal appearances and hearings before the Parole Board would conform with the requirements of due process. Finally, the Women's Correctional Center would temporarily remain at the present location at Warm Springs while an effective community system is developed and implemented allowing for a more accurate identification of the population which would need to be served through a prison facility.

MENTAL HEALTH DIVISION: Services on the Galen campus of Montana State Hospital will be discontinued. When maximum population is reached, Montana State Hospital admissions will be deferred until discharges make space available.

To include within the Department's mental health duties the responsibility to coordinate delivery of services to emotionally disturbed children and create an advisory council.

ALCOHOL AND DRUG ABUSE DIVISION: The Montana Chemical Dependency Center is provided with a clear identity and purpose. The statutory location of the center would be deleted allowing the program to relocate to a less costly facility off the Galen campus.

SPECIAL SERVICES: Establish a special revenue account in the Department of Corrections and Human Service (DCHS) and appropriate 2 cent cigarette tax to that account to operate and maintain the Montana Veterans Homes and administer the veterans insurance program.

**OMNIBUS REVISION BILL TO IMPLEMENT SPENDING REDUCTIONS
(Index)**

EXHIBIT 1
DATE 3/18/93
HB 685

SECTION

1. Continuing the two cents cigarette tax imposed on each package and depositing into a special revenue fund to the credit of Department of Corrections and Human Services for the operation and maintenance of the state veteran's nursing home and in-home health and nursing care benefit for veterans.
- 2,6,7 Discontinuing Swan River Forest Camp as an institution and repealing statutes specifically applicable to Swan River Forest Camp.
3. Inmate granted good time pursuant to (5) below will be considered for parole within two months of eligibility.
4. When the Department certifies to the court the optimal workload for the district probation and parole office was exceeded for the preceding 60 days, the court may not place an offender under the supervision of the office unless it grants a conditional discharge to a probationer supervised by the office.
5. When the optimal workload of a district probation & parole office has been exceeded for 60 days, the Department may certify to the Board of Pardons this has occurred; the Board may not parole a prisoner to that district office unless it also grants a conditional discharge to a parolee supervised by the district office.
8. Deleted by amendment.
9. Permitting the Department to charge a surcharge for health care services requested by an inmate, granting rulemaking authority and permitting the Department to charge inmates in prisons for their care and services in the event inmate wages are impacted by pending court cases.
10. To include within the Department's mental health duties the responsibility to coordinate delivery of services to emotionally disturbed children, appoint an advisory council and report to the legislature.
11. Deleted by amendment.
- 12,13. Discontinue services on the Galen Campus of the Montana State Hospital; clarifying the mission of the State Hospital in Warm Springs is care of persons with mental illness; allowing the Department to establish a maximum state hospital population; and providing the Montana Chemical Dependency Center its own identity, and clarifying its purpose.

HB 685
DATE 3/18/93
1

14. Permit the Women's Correctional Center to temporarily be located during the 94-95 biennium.
15. Rulemaking authority to Department to grant good time in an amount necessary to permit inmates to become eligible for parole or discharge (to manage the population).
16. Retain unused funds from first year of biennium to be used in second year, and expenditure of personal services appropriations in any expenditure category.
17. Conform the parole board's duty to grant personal appearances and hearings to the minimum required by due process to eliminate additional expenses associated with hearings before the Board.

Amendments to House Bill No. 685
First Reading Copy

Requested by Representative Grady
For the Committee on Appropriations

Prepared by Greg Petesch
March 18, 1993

EXHIBIT 2
DATE 3/18/93
HB 685

1. Title, lines 21 and 22.
Strike: "AUTHORIZING" on line 21 through "SERVICES;" on line 22
2. Title, line 25.
Strike: "53-1-203,"
Strike: "53-21-206,"
3. Page 14, line 14 through page 16, line 7.
Strike: section 8 in its entirety
Renumber: subsequent sections
4. Page 18, lines 9 through 18.
Strike: section 11 in its entirety
Renumber: subsequent sections
5. Page 18, line 21.
Strike: "agency"
Insert: "facility"
6. Page 23, line 20.
Following: "must"
Insert: "generally"
7. Page 24, lines 11 and 14.
Strike: "9"
Insert: "8"
8. Page 24, line 15.
Following: line 14
Insert: "NEW SECTION. Section 17. Coordination instruction.
(1) If [this act] is passed and approved, then Senate Bill No. 39 and Senate Bill No. 40 are void.
(2) If House Bill No. 46 is passed and approved and if it includes a section providing that the cigarette tax collected under 16-11-111 may be used for the operation and maintenance of state veterans' homes and for in-home health care, then [section 1 of this act] is void.
(3) If House Bill No. 2 is passed and approved and if it includes a provision that the department of corrections and human services may spend funds appropriated for personal services in other categories, then [section 14 of this act] is void."
Renumber: subsequent section

AMENDMENTS TO HOUSE BILL NO. 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT BUDGET REDUCTIONS

7
EXHIBIT 3
DATE 3/18/93
HB 685

The enclosed amendment to House Bill No. 685 would retain certain statutes regarding the establishment of the eastern montana veteran's home, anticipating that the next legislature may wish to proceed with the construction of the eastern montana veteran's home.

PROPOSED AMENDMENT

1. Page 2, line 2.
delete: "10-2-411"
2. Page 2, line 2.
delete: "10-2-414, 10-2-415, 10-2-416"
3. Page 24, line 3.
delete: "10-2-411"
4. Page 24, line 4.
delete: "10-2-414, 10-2-415, 10-2-416"

EXHIBIT 4
DATE 3/18/83
HB 685

AMENDMENTS TO HOUSE BILL NO. 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT BUDGET REDUCTIONS

The enclosed amendment to House Bill No. 685 would amend, rather than repeal, Section 46-23-204, MCA. The amendment would retain that portion of 46-23-204 which requires the Board of Pardons to hear from all person desiring to be heard, but limit the means by which persons are required to be heard by the Board of Pardons to written testimony, rather than oral testimony.

PROPOSED AMENDMENT

1. Page 2, line 3.
delete: "46-23-204"
2. Page 24, line 4.
delete: "46-23-204"
3. Page 8, line 8.
insert: "Section 4. Section 46-23-204, MCA, is amended to read:

Kadue

"46-23-204. All persons to be heard - counsel. The board shall be required to ~~hear oral~~ ^{and written} receive written statements from all persons desiring to be heard before the board, and any person may be represented by counsel, ~~provided that the~~ . The board shall have the power to regulate procedure at all hearings."

renumber: subsequent sections.

EXECUTIVE ACTION ON HB 685

Motion/Vote: REP. GRADY moved to adopt amendments to HB 685 prepared by Greg Petesch. (EXHIBIT 1) Motion carried unanimously.

Motion/Vote: REP. GRADY moved to amend HB 685 to retain certain statutes regarding the establishment of the eastern Montana veterans' home. (EXHIBIT 2) Motion carried unanimously.

Motion: REP. KADAS moved to amend HB 685 to read: "46-23-204. All persons to be heard - counsel. The board shall be required to hear oral and receive written statements from all persons desiring to be heard before the board, and any person may be represented by counsel. The board shall have the power to regulate procedure at all hearings."

Discussion: REP. KADAS argued that if someone wanted to be heard orally, then the board should hear them.

REP. GRADY asked for comment from the department. Rick Day, Director, Department of Corrections and Human Services, stated the amendment would not accomplish the Board of Pardons' goal. He said he understood REP. KADAS' concern but the amendment would over-complicate the situation. He said he would rather leave the statute as it is.

REP. FISHER asked Mr. Day when the victim would be able to make a statement. Mr. Day said the victim could be given access at any time during the process, but it would be at the board's discretion.

REP. BARDANOUVE stated the judiciary committee should review the amendment.

REP. KADAS stated he would withdraw his motion and oppose any other amendments.

Motion: REP. WANZENRIED moved to amend the authorization of the women's correctional facility. EXHIBIT 3

Discussion: REP. WANZENRIED explained that his amendment would establish population targets for the women's correctional center.

REP. GRADY asked Mr. Day to comment on the amendment. Mr. Day stated the amendment would interfere with the department's process with inmates. REP. GRADY stated the issue had arisen in the subcommittee. They had decided that mandating the down-sizing of the prison would put a burden on the department, and the department should have discretion in its process. He opposed the amendment.

CHAIRMAN ZOOK noted the amendment mandated a zero population by June 30, 1995. He said the next legislature would need to fund

the process. **REP. WANZENRIED** responded the amendment would provide guidelines for the department.

REP. KASTEN asked **REP. WANZENRIED** why a new prison would be needed if there were no women inmates. **REP. WANZENRIED** stated a new facility was needed; he suggested, however, if it was going to be a smaller institution, then the department needed pressure to reduce the population.

REP. MENAHAN reviewed the history of the changing philosophy on the women's correctional center. He reported that the original proposal was for a 200-bed facility and importing prisoners from other states to fill it. He noted the state could not afford the university system or improvements to Mountain View School for Girls and Pine Hills School for Boys. He stated the department now had the expertise to downsize the prison population. He agreed with the need for a smaller facility and recommended giving the department new direction for the type of facility the state needed.

REP. GRADY stated that he agreed the state needed a women's correctional center and that the current facility does not fit its purpose. He argued the state simply could not afford to build a new prison now, but he declared he had no intention to eliminate the women's prison. He recommended capping the prison population now and working to reduce the population until a new prison can be built. He told **REP. WANZENRIED** he did not understand the rationale for his amendment.

REP. COBB suggested that "(c) by June 30, 1995, the inmate population should be at zero." be stricken from the amendment. **REP. WANZENRIED** agreed to strike (c).

REP. GRADY argued the amendment would still mandate action by the department. He stated women could not be released until community facilities were developed for them. He stated the department had been given direction to downsize the prison and needed flexibility in meeting that requirement. He opposed the amendment.

Vote: TO AMEND HB 685, Page 21, line 19: "(3) Authority to operate the facility is conditional upon meeting the following targets for inmate population: (a) by December 31, 1993 no more than 40 inmates in the facility; (b) by December 31, 1994 no more than 30 inmates in the facility." Motion failed 8 to 10 with **REPS. BARDANOUVE, COBB, FISHER, JOHN JOHNSON, KADAS, NELSON, PECK, and WANZENRIED** voting yes.

Motion: **REP. KADAS** MOVED TO STRIKE SECTION 14 OF HB 685.

Discussion: **REP. KADAS** explained that the section specified the location of the women's correctional center. He said both HB 5 and HB 2 addressed the women's correctional center, and he expected long debates on the issue for both bills. He recalled

the department had indicated that the section was not necessary; therefore, to limit debate, he proposed striking the section.

REP. GRADY asked Mr. Day to comment on the amendment. Mr. Day stated the issue was the location of the women's correctional center. He said the new facility would be sited in Billings; however, in order to continue to use the temporary facility in Warm Springs, the department thought the location should be specified in statute. REP. GRADY stated lawsuits over the temporary facility had been threatened; he suggested having statutes which state that the Warm Springs facility is temporary might be helpful.

Vote: TO STRIKE SECTION 14. Motion failed 6 to 12 with REPS. BARDANOUVE, JOHN JOHNSON, KADAS, MENAHAN, NELSON, and WANZENRIED voting yes.

Motion/Vote: REP. GRADY MOVED HB 685 DO PASS AS AMENDED. Motion carried 14 to 4 with REPS. BARDANOUVE, PECK, QUILICI, and WANZENRIED voting no.

EXECUTIVE ACTION ON HB 522

Motion: REP. BERGSAGEL MOVED HB 522 DO PASS.

Motion: REP. WANZENRIED moved to amend HB 522. EXHIBITS 1, 2

Discussion: REP. CAROLYN SQUIRES, House District 58, Missoula, explained that HB 522 provided protection to state employees whose positions are eliminated as a result of privatization, reorganization of a state agency, or closure of or a reduction in force at a state agency. She said the major provisions of the bill were to provide access to job training programs and continue health insurance for six months after termination. She stated that job training programs existed but were unfunded. The first amendment (EXHIBIT 1) proposes funding and eliminates the current statutory appropriation language. She stated the second amendment (EXHIBIT 2) was a coordination instruction to prevent conflict between HB 522 and HB 517. She stated the amendments were important to assure cost effectiveness and service to state employees. She stated she had spoken to the administration and the Departments of Administration and Labor and Industry about the bill and all were cooperative. She stressed that the bill did not include severance pay nor would employees who took early retirement qualify for the program in HB 522.

REP. ROYAL JOHNSON asked whether the amendments changed the amount of funding needed for the bill. REP. WANZENRIED responded no.

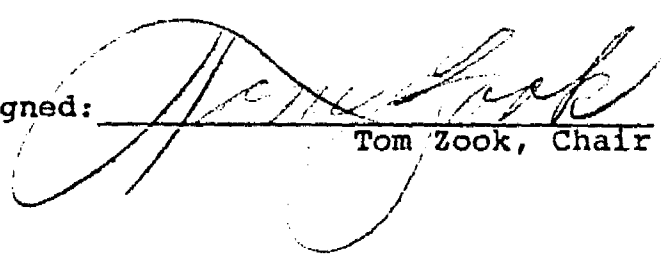
Vote: TO AMEND HB 522. Motion carried unanimously.

HOUSE STANDING COMMITTEE REPORT

March 19, 1993

Page 1 of 2

Mr. Speaker: We, the committee on Appropriations report that House Bill 685 (first reading copy -- white) do pass as amended

Signed: 

Tom Zook, Chair

And, that such amendments read:

1. Title, lines 21 and 22.

Strike: "AUTHORIZING" on line 21 through "SERVICES;" on line 22

2. Title, line 25.

Strike: "53-1-203,"

Strike: "53-21-206,"

3. Title, page 2, line 2.

Strike: "10-2-411,"

Strike: "10-2-414, 10-2-415, 10-2-416,"

4. Page 14, line 14 through page 16, line 7.

Strike: section 8 in its entirety

Renumber: subsequent sections

5. Page 18, lines 9 through 18.

Strike: section 11 in its entirety

Renumber: subsequent sections

6. Page 18, line 21.

Strike: "agency"

Insert: "facility"

7. Page 23, line 20.

Following: "must"

Insert: "generally"

Committee Vote:

Yes K, No H.

621309SC.Hpf

8. Page 24, line 3.

Strike: "10-2-411," .

9. Page 24, line 4.

Strike: "10-2-414, 10-2-415, 10-2-416,"

10. Page 24, lines 11 and 14.

Strike: "9"

Insert: "8"

11. Page 24, line 15.

Following: line 14

Insert: "NEW SECTION. Section 17. Coordination instruction.

(1) If [this act] is passed and approved, then Senate Bill No. 39 and Senate Bill No. 40 are void.

(2) If House Bill No. 46 is passed and approved and if it includes a section providing that the cigarette tax collected under 16-11-111 may be used for the operation and maintenance of state veterans' homes and for in-home health care, then [section 1 of this act] is void.

(3) If House Bill No. 2 is passed and approved and if it includes a provision that the department of corrections and human services may spend funds appropriated for personal services in other categories, then [section 14 of this act] is void."

Renumber: subsequent section

-END-

Amendments to House Bill No. 685
First Reading Copy

Requested by Representative Grady
For the Committee on Appropriations

Prepared by Greg Petesch
March 18, 1993

EXHIBIT 1
DATE 3/18/93
HB 685

1. Title, lines 21 and 22.
Strike: "AUTHORIZING" on line 21 through "SERVICES;" on line 22
2. Title, line 25.
Strike: "53-1-203,"
Strike: "53-21-206,"
3. Page 14, line 14 through page 16, line 7.
Strike: section 8 in its entirety
Renumber: subsequent sections
4. Page 18, lines 9 through 18.
Strike: section 11 in its entirety
Renumber: subsequent sections
5. Page 18, line 21.
Strike: "agency"
Insert: "facility"
6. Page 23, line 20.
Following: "must"
Insert: "generally"
7. Page 24, lines 11 and 14.
Strike: "9"
Insert: "8"
8. Page 24, line 15.
Following: line 14
Insert: "NEW SECTION. Section 17. Coordination instruction.
(1) If [this act] is passed and approved, then Senate Bill No. 39 and Senate Bill No. 40 are void.
(2) If House Bill No. 46 is passed and approved and if it includes a section providing that the cigarette tax collected under 16-11-111 may be used for the operation and maintenance of state veterans' homes and for in-home health care, then [section 1 of this act] is void.
(3) If House Bill No. 2 is passed and approved and if it includes a provision that the department of corrections and human services may spend funds appropriated for personal services in other categories, then [section 14 of this act] is void."
Renumber: subsequent section

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER ACTION: Rep. Grady moved to adopt amendments prepared
by Greg Petesch, Exhibit 1Motion carried unanimously.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FOREST BERGSAGER	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MADU LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENBEIN	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

AMENDMENTS TO HOUSE BILL NO. 685
REVISING CORRECTIONS AND HUMAN SERVICES TO
IMPLEMENT BUDGET REDUCTIONS

The enclosed amendment to House Bill No. 685 would retain certain statutes regarding the establishment of the eastern montana veteran's home, anticipating that the next legislature may wish to proceed with the construction of the eastern montana veteran's home.

EXHIBIT 2
DATE 3/18/93 p.m.
HB 685

PROPOSED AMENDMENT

1. Page 2, line 2.
delete: "10-2-411"
2. Page 2, line 2.
delete: "10-2-414, 10-2-415, 10-2-416"
3. Page 24, line 3.
delete: "10-2-411"
4. Page 24, line 4.
delete: "10-2-414, 10-2-415, 10-2-416"

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER MOTION: Rep. Grady moved to adopt the second sheet of
amendments, Exhibit 2.Motion carried unanimously

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE	X	
REP. FINEST BERGSAGE	X	
REP. JOHN GORD	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. WM. REP. MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI	X	
REP. DAVE WENZENREID	X	
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	18	0

HOUSE OF REPRESENTATIVES

ADDITIONAL

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER

MOTION: Rep. Kadas moved to amend HB 685 to read: "46-23-204. All persons to be heard - counsel. The board shall be required to hear oral and receive written statements from all persons desiring to be heard before the board, and any person may be represented by counsel. The board shall have the power to regulate procedure at all hearings."

Rep. Kadas withdrew the motion.

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		
REP. FRANCIS BARDANOUVE		
REP. FOREST BERGSAGE		
REP. JOHN COBB		
REP. ROGER DEBRUYKER		
REP. MARJ. FISHER		
REP. JOHN JOHNSON		
REP. ROYAL JOHNSON		
REP. MIKE KADAS		
REP. BETTY LOU KASTEN		
REP. Wm. RED MENAHAN		
REP. LINDA NELSON		
REP. RAY PECK		
REP. MARY LOU PETERSON		
REP. JOE QUILICI		
REP. DAVE WANTZENREID		
REP. BILL WISEMAN		
REP. TOM ZOOK, CHAIR		

**Amendments to House Bill No. 685
Introduced Bill**

**Requested by Representative Wanzenreid
For the Committee on Appropriations**

**Prepared by Jim Haubein
March 18, 1993**

EXHIBIT
TE 3/18/93
HB 685

1. Page 21, line 19.

Following: line 18

Insert: "(3) Authority to operate the facility is conditional upon meeting the following targets for inmate population: (a) by December 31, 1993 no more than 40 inmates in the facility; (b) by December 31, 1994 no more than 30 inmates in the facility; and ~~(c)~~ by June 30, 1995, the inmate population should be at zero."

John E. O'Neil

{Office of Legislative Fiscal Analyst

444-2986}

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER

MOTION: Rep. Wanzenried moved to adopt an amendment to
amend the authorization of the women's correctional facility
Exhibit 3.

Motion failed 8 - 10

NAME	AYE	NO
REP. ED GRADY, V. CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGER		X
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. BOB MENAHAN		X
REP. LINDA NELSON	X	
REP. RAY PECK	X	
REP. MARV LOU PETERSON		X
REP. JOE QUILLICI		X
REP. DAVE WANZENRIED	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	8	10

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HB 685 NUMBER ACTION: Rep. Kadas moved to strike section 14 of HB 685.

Motion failed 6 - 12

NAME	AYE	NO
REP. ED GRADY, V, CHAIR		X
REP. FRANCIS BARDANOUVE	X	
REP. ERNEST BERGSAGE		X
REP. JOHN COBB		X
REP. ROGER DEBRUYKER		X
REP. MARJ. FISHER		X
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON		X
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN		X
REP. WM. RED MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON		X
REP. JOE QUILLICI		X
REP. DAVE WANTZENREID	X	
REP. BILL WISEMAN		X
REP. TOM ZOOK, CHAIR		X
	6	12

HOUSE OF REPRESENTATIVES

APPROPRIATIONS

COMMITTEE

ROLL CALL VOTE

DATE 3/18/93 pm BILL NO. HR 685 NUMBER ACTION: Rep. Grady moved HB 685 DO PASS AS AMENDED.

Motion carried 14 - 4

NAME	AYE	NO
REP. ED GRADY, V. CHAIR	X	
REP. FRANCIS BARDANOUVE		X
REP. ERNEST BERGSAGE	X	
REP. JOHN COBB	X	
REP. ROGER DEBRUYKER	X	
REP. MARJ. FISHER	X	
REP. JOHN JOHNSON	X	
REP. ROYAL JOHNSON	X	
REP. MIKE KADAS	X	
REP. BETTY LOU KASTEN	X	
REP. Wm. BOB MENAHAN	X	
REP. LINDA NELSON	X	
REP. RAY PECK		X
REP. MARY LOU PETERSON	X	
REP. JOE QUILLICI		X
REP. DAVE WANTZENREID		X
REP. BILL WISEMAN	X	
REP. TOM ZOOK, CHAIR	X	
	14	4